



CRL OP(MD). No.9429 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 17/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9429 of 2025

Jegan @ Gnana Prakasa Arulselvan,
S/o.Arul Selvan

... Petitioner/ A3

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.176 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate
for M/s.Aran Legal Consultancy

For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No.176 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under section 303(2) of BNS, 2023 r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.176 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving a secret information, the respondent police conducted a search at Sadayanerikulam on 23.03.2025 at around 7.30 a.m. During inspection they found that soil was being illegally excavated with the help of JCB bearing Registration No.TN-72-CY-4449 and loaded into the Taurus Lorry bearing Registration No.TN-78-BK-4594 driven by A1 and A2 respectively based on the instruction of A3/the petitioner herein. The respondent police seized 3 units of river sand along with vehicles. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that this is the second anticipatory bail application filed before this Court. He has been implicated in this case solely based on the confession of the co-accused. The petitioner has not



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committed any offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

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4. The learned Government Advocate (Crl. side) submits that there are totally three accused persons in this case and the petitioner has been arrayed as A3. A1 and A2 have been arrested and subsequently released on bail. He further submits that there are four previous cases against the petitioner, and that the properties have been recovered. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the quantity of minerals involved, and also taking note of the fact that properties have been recovered, and that the co-accused have already been arrested and subsequently released on bail, and that as the date of occurrence is 23.03.2025, by this time most of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of



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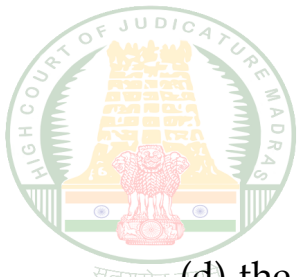
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arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Rathapuram, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of *the District Mineral Foundation Trust, Tirunelveli District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Rathapuram shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Rathapuram. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Rathapuram;



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(d) the petitioner shall report before the respondent police daily at 10.30 a.m.,
until further orders;

(e) the petitioner shall not tamper with evidence or witness either during
investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial
Court is entitled to take appropriate action against the petitioner in accordance with
law as if the conditions have been imposed and the petitioner released on bail by the
learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]* and;

(h) if the accused/petitioner thereafter abscond, a fresh FIR can be registered
under Section 269 of BNS, 2023.

sd/-
17/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO

1 THE JUDICIAL MAGISTRATE,
RATHAPURAM.



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2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARAN LEGAL CONSULTANCY Advocate SR.No.6457 (I)
DT.18/06/2025

ORDER

IN

CRL OP(MD) No.9429 of 2025

Date :17/06/2025

NM/03.07.2025/ 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023