



CRL OP(MD). No.9909 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Packiyaraj,
S/o.Jeyabakash

... Petitioner/ A3

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.119 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.M.Karuppasamy,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2021 on the file of the Respondent Police.



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WEB COPY 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 sections 379 and 353 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.119 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused had illegally transported 8 units of gravel sand using a tipper lorry. Hence, a case has been registered.

3. The learned counsel for the petitioner submitted that this is the third anticipatory bail application filed before this Court. The earlier application in Crl.O.P.(MD) No.10600 of 2021 was allowed on 19.08.2021. However, as the petitioner failed to execute the bail bond and comply with the conditions due to a communication gap between the petitioner and his previous counsel, the time granted for executing sureties lapsed, resulting in the dismissal of the earlier anticipatory bail. Subsequently, the petitioner filed a second anticipatory bail application before this Court, which was dismissed on 17.11.2023 for the reasons stated supra. Hence, the petitioner has now filed a fresh anticipatory bail application before this Court. He further submitted that the case pertains to the year 2021, and the petitioner is merely the owner of the vehicle involved. He has also submitted that there is no previous case against the petitioner. Therefore, he seeks anticipatory



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bail for the petitioner.

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4. The learned Government Advocate (Criminal Side) submitted that the petitioner has been arrayed as A3 and that there is one previous case against him. He further submitted that the charge sheet has not yet been filed, and the petitioner's vehicle is still at the police station. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking into account that the earlier anticipatory bail granted by this Court was dismissed solely due to non-compliance with the conditions imposed and the failure to produce sureties within the stipulated time; that the case pertains to the year 2021, and by now, most of the investigation would likely have been completed; that the properties are still in the custody of the respondent police; and that no custodial interrogation of the petitioner is required at this stage, 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 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 Court No.II, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the



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satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate Court No.II, Sivakasi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

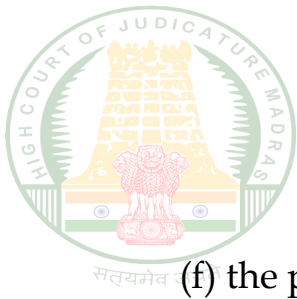
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Virudhunagar District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Sivakasi shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Sivakasi;

(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;



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(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/-
16/06/2025

/ TRUE COPY /

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.The Inspector of Police,
M.Pudupatti Police Station, Virudhunagar District.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:
The Officer incharge,
District Mineral Foundation Trust,
Virudhunagar District

ORDER
IN
CRL OP(MD) No.9909 of 2025
Date :16/06/2025

MK/30.06.2025 6P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023