



CRL OP(MD).No.9221 of 2025

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

Reserved on : 18.06.2025

Pronounced on : 27.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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1.Megavarnan,
S/o.Alagappan

2.Rajasekaran,
S/o.Kasi

... Petitioners / Accused Nos.1 and 3

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.55 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS), for anticipatory bail in Crime No.55 of 2025
on the file of the respondent police.

For Petitioners : Mr.M.Sricharan,
Senior Counsel
for Mr.Ramsundar Vijayraj,
Advocate.

<https://www.mhc.tn.gov.in/judis> For Respondent : Mr.S.Ravi,



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Additional Public Prosecutor
assisted by
Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 3, who apprehend arrest at the hands of the respondent police for the offences under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023, which was later altered to Section 105 of the Bharatiya Nyaya Sanhita, 2023, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, which was later altered into Section 105, 125, 125(a), 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.55 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 20.05.2025 at about 12.00 hours, the defacto complainant, who is serving as the Village Administrative Officer (VAO) of Mallakottai Village, falling within the territorial jurisdiction of Singampunari Taluk, approached the respondent police station and lodged a complaint. In the complaint, it was alleged that on the same day, at approximately 09.00 a.m., a landslide incident occurred within the premises of a private industrial site known as Mega Blue Metals, wherein a sudden and massive rock slide rapidly descended along the slope.

The said mishap tragically resulted in the instantaneous death of six individuals, all



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of whom were engaged in stone-breaking operations at the quarry site. In view of the same, the defacto complainant sought legal action against the proprietor of Mega Blue Metals. Hence, the case.

3. The learned senior counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that the first petitioner (A1), who is the proprietor of Mega Blue Metals, was operating the quarry with valid licences and had in place various equipment and safety measures for the workers. He would further submit that the unfortunate incident that occurred on 20.05.2025 was the result of a natural calamity, namely a landslide triggered by heavy rainfall, and not due to any negligence or wrongful act on the part of the petitioners. Consequently, the injuries and deaths were due to an act of God and not attributable to any criminal liability of the petitioners.

4. The learned senior counsel would further submit that A1 has been operating the quarry for over six years with all valid licences and statutory approvals obtained from the competent authorities. He would submit that all mandatory safety norms were followed and appropriate insurance coverages were in place. He would also submit that the petitioners have duly complied with the terms and conditions



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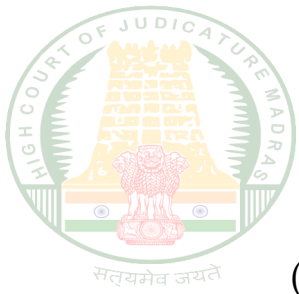
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prescribed by the Department of Geology and Mining, Sivagangai. Moreover, no quarrying activity was carried out at the survey number mentioned in the complaint. In fact, the deceased workers had gone to that location only to retrieve equipments.

5. The learned senior counsel would further submit that Mega Blue Metals employs approximately 217 workers and maintains a biometric attendance system to accurately record the presence of its employees. In fact, A1 has already provided a sum of Rs.5,00,000/- as ex-gratia compensation to the families of each of the deceased workers and also maintains an active employee insurance policy with New India Assurance Company. He would further submit that there are no previous cases or criminal antecedents against the petitioners and most of the investigation is over and the petitioners are having permanent residence and coming from reputable family and they will never abscond and ready to cooperate with the investigation. Hence, he seeks anticipatory bail to the petitioners. In support of his submissions, he relied on the following judgments:-

(i) Judgment of the Hon'ble High Court of Kerala in G.Ashokan
-vs- State of Kerala reported in 2015 SCC OnLine Ker 5806.

(ii) Judgment of the Hon'ble High Court of Kerala in Sumesh
C.P. -vs- State of Kerala reported in 2017 SCC OnLine Ker 34800.



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(iii) Judgment of the Hon'ble Supreme Court of India in Yuvraj Laxmilal Kanther and Another -vs- State of Maharashtra reported in 2025 SCC OnLine SC 520.

(iv) Judgment of this Court in Dr.Jeppiar -vs- State of Tamil Nadu reported in 2012 SCC OnLine Mad 4773.

6. The learned Additional Public Prosecutor would submit that there are totally six accused persons in this case and the petitioners have been arrayed as A1 and A3. He would further submit that A1 has violated the lease terms by quarrying stones from unauthorized survey fields beyond the approved area and depth, even after the lease expired in September 2024. The lease permitted quarrying only up to 47 meters in specific patta lands. Despite this, quarry operations continued illegally, leading to a fatal rockslide that killed six workers. Investigations are underway, including a drone survey ordered by the authorities. He would fairly concede that the petitioners paid Rs.5,00,000/- to each of the victim's family.

7. The learned Additional Public Prosecutor would also submit that the law prohibits any mineral removal after lease expiry under Rule 36(f) of the Tamil Nadu Minor Mineral Concession Rules, 1959. A1 is liable under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, and relevant rules. The police are legally empowered to register and investigate the case, as affirmed by the



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Hon'ble Division Bench of this Court in Sengol and Others vs. Inspector of Police, reported in 2012 (2) CTC 369. The investigation is at a crucial stage and considering the grave nature of the offence, which appears to have been committed in blatant disregard of legal and safety norms, the petitioners are viewed as principal offenders.

8. The learned Additional Public Prosecutor would further submit that, as per the order of the District Collector, Sivagangai, in Na.Ka.No.241/Kanimam/2025 dated 20.05.2025, it is revealed that the petitioners had violated the stipulated terms and conditions and carried out quarry operations illegally. He would further submit that, as per the order of the Sub-Collector, Devakottai, in Na.Aa.2/4173/2025, dated 09.06.2025, a penalty of Rs.91,00,56,960/- was imposed on A1 on account of the said illegal quarrying activities. He, therefore, vehemently opposes the grant of anticipatory bail to the petitioners.

9. This Court has heard the learned counsel on both sides and perused the materials available on record.

10. It is seen from the records that the 1st petitioner was running Mega Blue Metal Quarry at Mallakottai of Sivagangai District. He was issued license extension of five years from 06.06.2024 to 05.06.2029 to quarry the land in S.Nos.181 & 182 by complying terms and conditions prescribed by the authority concerned. The 2nd



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petitioner is manager of that quarry. It is alleged by the prosecution that the petitioners continued quarry work in S.No.177/1B1, for which the earlier licence was not extended, whileso there was landsliding in that survey land, resulting six workers died. The contents of FIR reveals that accident took place on rock sliding. On perusal of citations relied on petitioners side, the Kerala High Court held that land sliding is as part of natural process and it cannot be said to be an act on the part of the person who runs the quarry. The Hon'ble Supreme Court held that the basic ingredient of Section 304 of IPC (now sec 105 BNS) is presence of knowledge and absence of intention and that the doer must have the knowledge that the act performed by him would likely cause death but there should not be any intention to cause death.

11. The prosecution has not alleged that the petitioners were present at the time of occurrence. Whether the land sliding happened in the survey number as mentioned in FIR or not, and the presence of knowledge of petitioners upon landsliding due to land condition could be decided after trial upon final report filed by the respondent on completion of investigation. There is no dispute that there were safety measures given to workers and also there are materials filed by the petitioners to show the insurance coverages and EPF facility for their workers. After accident, exgratia compensation of Rs.5,00,000/- each was paid to the family



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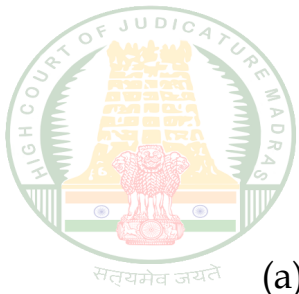
members of the dead persons.

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12. The arrested coaccused were granted bail by this Court in Crl.O.P.(MD) No.10109 of 2025 on 24.06.2025. There is no previous case reported against the petitioners. The penalty imposed by the Sub Collector, Devakottai, can be recovered by initiating necessary recovery proceedings as per law. The custodial interrogation of the petitioners in this case is not necessary. Moreover, the petitioners are having permanent residence and deep roots in the society and there is no chance for absconding. Since the date of occurrence is 20.05.2025, by this time, most of the investigation might have been completed.

13. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

14. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Singampunari, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each 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, Singampunari, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

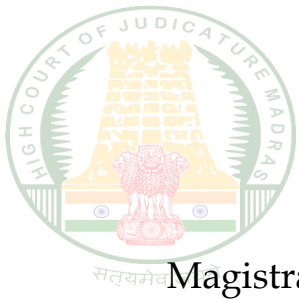
(b) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Singampunari. If the petitioners change their residential address, they shall report the same to the learned learned Judicial Magistrate, Singampunari;

(c) The petitioners shall appear and sign before the respondent police daily at 10.00 a.m. and 5.00 p.m. until further orders;

(d) The petitioners shall not abscond either during investigation or trial and they shall cooperate for the investigation;

(e) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial



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Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560 and;

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

sd/-
27/06/2025

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

vsd
TO

- 1 THE JUDICIAL MAGISTRATE, SINGAMPUNARI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, S.S.KOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-6460[I] dated 18/06/2025)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-6858[I] dated 27/06/2025)



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ORDER

IN

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Date :27/06/2025

NBF/30.06.2025 11P/7C

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