



CRL OP(MD).No.9456 of 2025

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

Date : 19.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9456 of 2025

Ponnusamy

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Palaviduthi Police Station,
Karur District.
(Crime No.45 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.45 of 2025
on the file of the respondent police.

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate

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



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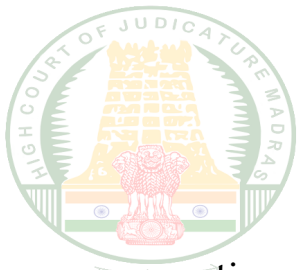
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ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.45 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is working as a Village Administrative Officer in Kadavur Village, Karur District, received secret information regarding illegal extraction of red sand from land situated in Survey No.693/2. Based on the said information, the defacto complainant conducted an inspection at Survey No.693/2, located in Kadavur Village. At this juncture, without obtaining prior permission from the concerned authorities, the Petitioner/Accused had taken fifty units of red sand from his own patta land and shifted the same to another land, which also belongs to the Petitioner. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the



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prosecution. He would further submit that a false case has been foisted against the petitioner. He would also submit that the petitioner has permanent residence. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused persons in this case and the petitioner has been arrayed as A1. He would further submit that the alleged properties have been seized by the respondent police. He would further submit that there are no previous cases against the petitioner. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner also taking into consideration the alleged properties have already been recovered and also taking note the quantity of minerals involved, 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 his arrest or on his appearance, within a period of fifteen days from the date of



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receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, Karur District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai, Karur District and on further conditions 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kulithalai, Karur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.I, Kulithalai, Karur District.

[c] the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Chairman / District Collector, District Mineral Foundation Trust of the concerned District and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.



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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].

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



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7. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

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/07/2025

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

PAL

TO

- 1.THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
- 3.THE CHAIRMAN/DISTRICT COLLECTOR, DISTRICT
MINERAL FOUNDATION TRUST, KARUR DISTRICT.
- 4.THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.9456 of 2025
Date :19/06/2025

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