

Crl.O.P.(MD).No.9330

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

Date : 03/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). Nos.9330 & 9482 of 2025

1.Vinoth,
S/o.Lakshmanan

2.Govindarajan,
S/o.Mathar Selvam

3.Gnanasekar,
S/o.Raman

... Petitioners in
Crl.O.P.(MD).No.9330
of 2025/ A1, A2 & A4

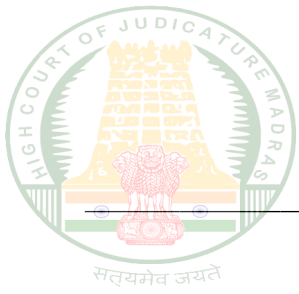
Raja ,
S/o.Subramaniyan

... Petitioner in
Crl.O.P.(MD).No.9482
of 2025/ A3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.179 of 2025)

... Respondent/Complainant
in both petitions



Cri.O.P.(MD).No.9330

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For Petitioners : Mr.K.Suyambulingabharathi,
(in both petitions) Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.179 of 2025 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend 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 & Regulations) Act, 1957 in Crime No.179 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons illegally stored a total of 11 units of Cauvery river sand on their land for commercial purposes. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. He, however, submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court.



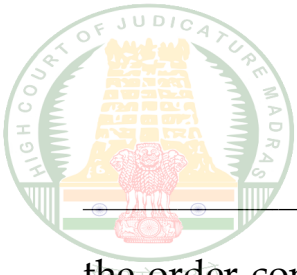
Hence, he seeks anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) submitted that there are totally five accused persons in this case and the petitioners have been arrayed as A1 to A4. A5 has been granted anticipatory bail on 09.06.2025 by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.3036 of 2025. A1 stored 3 units of river sand on his land, and A2 stored 5 units on his land, and A3 to A5 stored 3 units on their land. He further submitted that the entire properties have been recovered. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the fact that as the date of occurrence is 31.05.2025, by this time most of the investigation might have been completed, and considering the fact that the entire properties have already been recovered, and that the co-accused has already been granted anticipatory bail, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. 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



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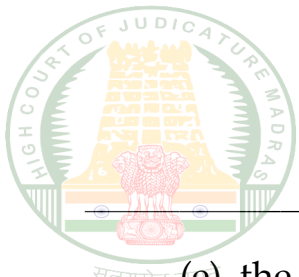
the order copy made ready, before the learned Judicial Magistrate, Papanasam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer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

(a) the petitioners 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) each to the credit of the District Mineral Foundation Trust, Thanjavur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Papanasam shall accept the sureties furnished by the petitioner;

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

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



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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
03/07/2025

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/ /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, Papanasam, Thanjavur District.

2.Do Through The Chief Judicial Magistrate, Thanjavur @ Kumbakonam.

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3.The Officer Incharge,
District Mineral Foundation Trust,
Thanjavur District.

4.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

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

ORDER
IN
CRL OP(MD) No.9330 of 2025
Date :03/07/2025

SBN/21.07.2025 6P/6C

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