



CRL OP(MD). No.9911 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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Balu @ Balachandran,
S/o.Kalyanasundaram

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Jayamangalam Police Station,
Theni District.
(Crime No.40 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Muniyandi.S,
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.40 of 2025 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 r/w. Section 303(2) of BNS, 2023 r/w. Section 4(a) of Explosive Substances Act, 1908 in Crime No.40 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused have illegally excavated rough stones from the land using explosive substances and an air compressor machine. 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. The petitioner is an innocent person and did not participate in the alleged occurrence as stated by the prosecution. He also submits that some of the co-accused have been granted bail and anticipatory bail. He further submits that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to show his bonafide. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Crl. side) submits that the petitioner has been arrayed as A1 in this case. A2 to A7 and A9 were arrested and subsequently released on bail, and that A8 has been granted anticipatory bail. He further submits that the entire properties have been recovered and that there is no previous case against the petitioner. However, he 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 also taking note of the fact that A2 to A7 and A9 were arrested and subsequently released on bail, and that A8 has been granted anticipatory bail, and that the entire properties have been recovered, and that there is no previous case against the petitioner, and that the bonafide expressed by the petitioner, this court is inclined to grant anticipatory bail to the petitioner, with 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, Periyakulam,



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Theni 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni District, 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.2,00,000/- (Rupees Two Lakhs only)* to the credit of *the District Mineral Foundation Trust, Theni District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Periyakulam, Theni District shall accept the sureties furnished by the petitioner;

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

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

until further orders;



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(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/-
16/06/2025

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/07/2025

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

MKN

TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.



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3 THE INSPECTOR OF POLICE
JAYAMANGALAM POLICE STATION,
THENI DISTRICT

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THENI DISTRICT.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-6378[I] dated 17/06/2025)

ORDER
IN
CRL OP(MD) No.9911 of 2025
Date :16/06/2025

SS/SAR- /01/07/2025/ 6P/7C

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