



CRL OP(MD). No.9487 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Mahalingam,
S/o.Tharmalingam

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.102 of 2025)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.102 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 303(2) of BNS r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.102 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused illegally transported 1 unit of river sand by using a Tractor. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person, and is no way connected with the alleged occurrence. Hence, he seeks anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl. side) submits that there are totally two accused in this case and the petitioner has been arrayed as A1. The entire properties have been seized. He further submits that there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the fact that entire properties have been recovered, and also considering the fact that there is no previous case against 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 Judicial Magistrate, Thiruvadanai, 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 satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Judicial Magistrate, Thiruvadanai, 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.15,000/- (Rupees Fifteen Thousand only)** to the credit of *the District Mineral Foundation Trust, Ramanathapuram*



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as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Thiruvadanai shall accept the sureties furnished by the petitioner.

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

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
09/06/2025

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

MKN

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1 THE JUDICIAL MAGISTRATE
THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUVADANAI,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-6102[I] dated 10/06/2025)

ORDER
IN

CRL OP(MD) No.9487 of 2025

Date :09/06/2025

SS/SAR- /12/06/2025/ 5P/7C

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