



CRL OP(MD). No.9784 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9784 of 2025

Sakthi @ Sakkaian,
S/o.Ramar

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.349 of 2025)

... Respondent/ Complainant

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

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police

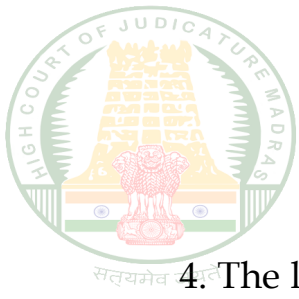


CRL OP(MD). No.9784 of 2025

for the offences punishable under sections 303(2) and 351(2) of BNS, 2023 r/w.
Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime No.349 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on information, on 19.05.2025, when the de-facto complainant was conducting ride, they found that the accused persons illegally loaded gravel sand in a tipper lorry bearing registration No.TN-88-L-0401, with the help of a JCB, bearing registration No.TN-67-AK-3502, without proper permission or licence. Upon seeing the officers, the driver of the lorry fled away from the place of occurrence with lorry and felt down the gravel sand on the way in order to cause disturbance to the police. However, the said JCB was seized. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that this is the second anticipatory bail before this Court. The earlier application was dismissed with a cost of Rs.25,000/- imposed on the petitioner. The petitioner has duly paid the said amount, and a copy of the receipt has also been enclosed. He also submits that the petitioner is an innocent person, and he has not been involved in any of the offences as alleged by the prosecution, and a false case has been foisted against the petitioner. He further submits that the petitioner is willing to abide by any conditions to be imposed by this Court. Hence, he seeks anticipatory bail.



CRL OP(MD). No.9784 of 2025

WEB COPY

4. The learned Government Advocate (Crl. side) submits that the accused have illegally transported 3 units of gravel sand. There are totally two accused persons in this case and the petitioner has been arrayed as A1. A2, who is the driver of the lorry, has been arrested and is still in custody. The petitioner is the owner of the tipper lorry. He further submits 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 considering the fact that there is no previous case against the petitioner, and also considering the fact the petitioner has already complied with the condition imposed by this Court by paying a sum of Rs.25,000/-, 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 No.II, Sivakasi, Virudhunagar 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 No.II, Sivakasi, Virudhunagar District, failing which, the petition for anticipatory bail shall



CRL OP(MD). No.9784 of 2025

stand dismissed and on further condition that:

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(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.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Virudhunagar District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District shall accept the sureties furnished by the petitioner;

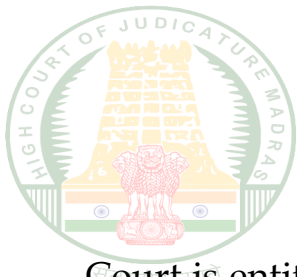
(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District;

(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



CRL OP(MD). No.9784 of 2025

Court is entitled to take appropriate action against the petitioner in accordance with
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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/-
12/06/2025

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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
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE, SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER-INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-6256[I] dated 12/06/2025)
<https://www.mhc.tn.gov.in/judis>



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CRL OP(MD). No.9784 of 2025

ORDER

IN

CRL OP(MD) No.9784 of 2025

Date :12/06/2025

NBF/20.06.2025 6P/7C

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