



CRL OP(MD). No.9838 of 2025

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

Date : 12.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.9838 of 2025

Mahendran,
S/o.Suppramaniyan

...Petitioner / Accused No.2

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.M.Anantha Murugan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.349 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 20.05.2025 for the offences under Sections 303(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, read with 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.349 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 19.05.2025, during vehicle patrol, the defacto complainant found that the petitioner and other accused person were allegedly transporting gravel sand in Survey No.80/5, V.Chokkalingapuram, using a JCB and a tipper lorry, without valid permission. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner is in custody from 20.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He would further submit that the petitioner and other accused person were



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allegedly transporting gravel sand without any valid permission. He would further submit that there is one previous case against the petitioner. He, however, would submit that the investigation in this case is still pending and that, at this stage, if bail is granted to the petitioner, he will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District and on further conditions that:-

[a] 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.



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[b] the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District.

[c] the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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.

[d] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

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

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.

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TO

1. The Judicial Magistrate No.II,
Sivakasi,
Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District.
3. The Officer-in-Charge,
Sub-Jail,
Srivilliputhur,
Virudhunagar District.
4. The Inspector of Police,
Sivakasi East Police Station, Virudhunagar District.



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

COPY TO:

The Chairman / District Collector,
District Mineral Foundation Trust, Virudhunagar District.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-6224[I] dated
12/06/2025)

ORDER

IN

CRL OP(MD) No.9838 of 2025

Date :12/06/2025

MK/12.06.2025 6P/8C

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