



CRL OP(MD). No.9971 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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Devaraj,
S/o.Sebastin

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Sub Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.77 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Balakarthick.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.77 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, 2023 r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.77 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 10 basket of river sand, each containing 1/4 unit and loaded them into a tractor with a tipper. Hence, the present case.

3. The learned counsel for the petitioner submitted that this is the second anticipatory bail application filed before this Court. The petitioner is an innocent person and has been falsely implicated in this case. He further submitted that A2 to A4 were arrested and subsequently released on bail on 08.04.2025 by the learned Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.987 of 2025. He, however, submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) submitted that there are totally four accused persons in this case and the petitioner has been arrayed as A1. A2 to A4 were arrested and subsequently released on bail. He further submitted that there are three previous cases against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking note of the fact that the co-accused have been arrested and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to 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, 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 learned Judicial Magistrate, Thiruvadanai, failing which, the petition for anticipatory bail shall 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, Ramanathapuram District* 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 furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Thiruvadanai;

(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 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



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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
THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE SUB-INSPECTOR OF POLICE,
THONDI 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.



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+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-6424[I] dated 18/06/2025)

ORDER

IN

CRL OP(MD) No.9971 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