



CRL OP(MD).No.9793 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9793 of 2025

- 1.Thangapandi
- 2.Thanga Tamilselvan
- 3.Naveen @ Naveenkumar
- 4.Rajkumar @ Rajakumaran
- 5.Muthuselvan
- 6.Praveen @ Praveenkumar

... Petitioners / Accused
Nos.1,4,5,6,7 and 8

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Jayamangalam Police Station,
Theni District.
(Crime No.110 of 2025)

... Respondent/Complainant



CRL OP(MD).No.9793 of 2025

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PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.110 of 2025 on the file of the respondent police.

For Petitioners : Mr.S.Vikram,
Advocate

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

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.110 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 31.05.2025 at about 8:30 p.m., the Sub-Inspector of Police received secret information regarding illegal sand theft. Acting on the information, he proceeded to Erumalainaickenpatti JC Garden. At that time, the petitioners, along with other accused persons, were found illegally attempting to remove sand using a JCB vehicle bearing Registration No.TN-60-AF-8713, without



CRL OP(MD).No.9793 of 2025

any valid permission. On noticing the police, some of the accused fled from the scene. Subsequently, the JCB vehicle was seized by the police. Hence, the case.

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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that there no previous cases against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the accused persons were found illegally attempting to remove sand using a JCB vehicle. He would further submit that the first petitioner has one previous case registered against him and there are no previous cases pending against the other petitioners. He would also submit that the alleged properties involved in the offence have been seized. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

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



CRL OP(MD).No.9793 of 2025

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6. Taking into consideration the facts and circumstances of the case, the nature of offence allegedly committed by the petitioners and taking note the quantity of minerals involved in this case and also taking into consideration the fact that there are no previous cases against the petitioners except the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the (*) **Judicial Magistrate, Periyakulam, Theni District** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the (*) **Judicial Magistrate, Periyakulam, Theni District**, Theni District and on further conditions that:

(a) the petitioners 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 petitioners shall furnish their residential address and mobile number



CRL OP(MD).No.9793 of 2025

to the learned(*) **Judicial Magistrate, Periyakulam, Theni District**. In the event of
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any change in their residential address, the petitioners shall report the same to the
learned (*) **Judicial Magistrate, Periyakulam, Theni District**.

[c] the petitioners shall make a non-refundable deposit of Rs.4,000/- (Rupees Four Thousand only) each 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*.

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



CRL OP(MD).No.9793 of 2025

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

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sd/-
19/06/2025

**(*)AMENDED AS PER THE ORDER
OF THIS HON'BLE COURT IN
CRL MP(MD) 9024 of 2025 IN CRL OP
(MD) No.9793 of 2025 DATED
15/07/2025 BY PVMJ.**

/ TRUE COPY /

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

PAL
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 19/06/2025 ALREADY
DESPATCHED.**

- 1 THE JUDICIAL MAGISTRATE, AUNDIPATTI, THENI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, JAYAMANGALAM POLICE STATION,
THENI DISTRICT.
- 4 THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD).No.9793 of 2025

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THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.

+1. CC to VIKRAM S Advocate SR.No.6556 (I) DT.20/06/2025

ORDER

IN

CRL OP(MD) No.9793 of 2025

Date :19/06/2025

NBF/21.07.2025/ 7P/8C

NM/04.07.2025/ 7P/7C

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