



CRL OP(MD).No.9870 of 2025

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

Date : 23.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9870 of 2025

Sundarraaj

... Petitioner / Accused No.6

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.86 of 2024)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.86 of 2024
on the file of the respondent police.

For Petitioner : Mr.T.Lenin Kumar,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of the Indian Penal Code, 1860, read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.86 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.02.2024, while the respondent police were on surveillance near Asian Tex, on the Rameswarappatti to Semmadai Road, three Tipper Lorries bearing Registration Nos.TN-38-AX-9455, TN-88-J-9641 and TN-66-D-8156 were found loaded with 3 units of river sand each. It is further alleged that the petitioner was the driver of the Tipper Lorry bearing Registration No.TN-66-D-8156. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person 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 there are no previous cases against the petitioner. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that there are totally six accused persons in this case and the petitioner has been arrayed as A6. He would further submit that the petitioner was the driver of the Tipper Lorry bearing Registration No. TN-66-D-8156. He would further submit that the alleged properties have been seized by the respondent police. He would also submit that there are no previous cases against the petitioner. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory 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, the nature of offence allegedly committed by the petitioner 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 petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of



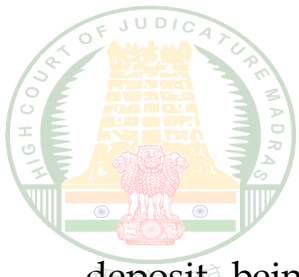
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his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Karur and on further conditions 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Karur. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Karur.

[c] the petitioner shall make a non-refundable deposit of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Chairman / District Collector, District Mineral Foundation Trust of the concerned District and on such



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deposit[†] being made, the learned Judicial Magistrate shall accept the sureties
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furnished by the petitioner.

(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 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.



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

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/07/2025
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,
Karur.
2. Do Through The Chief Judicial Magistrate,
Karur.
- 3.The Inspector of Police,
Vangal Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To
The Chairman / District Collector,
The District Mineral Foundation Trust,
Karur.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-6752[I] dated 25/06/2025)



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ORDER

IN

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Date :23/06/2025

HPS/09.07.2025 /7P/7C

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