

CRL OP(MD). No.10104 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10104 of 2025

K.Suresh kumar (Male/ Age-40)
S/o.Kalaperumal

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Athoor Police Station,
Athoor,
Thoothukudi District.
(Crime No.1 of 2025)

... Respondent/ Complainant

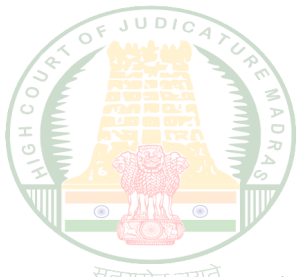
For Petitioner : Mr.N.Pragalathan

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2025 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.1 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons have illegally transported 30 bags of river sand without any permission. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged occurrence as stated by the prosecution. He further submitted that co-accused had been arrested and thereafter, they released on bail. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that the accused persons have illegally transported 30 bags of river sand and there are eight previous cases pending against the petitioner in same nature. He further submitted that co-accused had been arrested and subsequently, released on bail. However, he opposed



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to grant anticipatory bail to the petitioner.

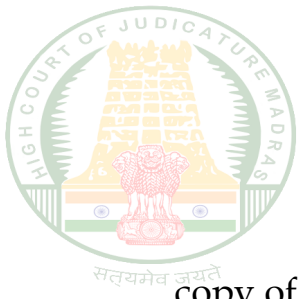
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5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, after dismissal of earlier petitions, the respondent police have not taken any steps to secure the accused and the investigation might have been completed. Hence, 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 Judicial Magistrate Court, Tiruchendur, Thoothukudi 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 Judicial Magistrate Court, Tiruchendur, Thoothukudi District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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



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copy of their Aadhar card or Bank pass Book to ensure their identity;

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(b) the petitioner shall deposit a sum of *Rs.10,000/- (Rupees Ten Thousand only)* to the credit of *the District Mineral Foundation Trust, Thoothukudi District* as Non-refundable deposit and on such deposit being made, the Judicial Magistrate Court, Tiruchendur, Thoothukudi District, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the Judicial Magistrate Court, Tiruchendur, Thoothukudi District. In the event of any change in his residential address, the petitioner shall report the same to the Judicial Magistrate Court, Tiruchendur, Thoothukudi;

(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



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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] and;

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

sd/-
18/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSRM

TO

1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
ATHOOR,
THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO:

**THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THOOTHUKUDI DISTRICT.**

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-6489[I] dated 18/06/2025)

**ORDER
IN
CRL OP(MD) No.10104 of 2025
Date :18/06/2025**

SS/SAR- /01/07/2025/ 6P/7C

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