



CRL OP(MD).No.10109 of 2025

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

Reserved on : 18.06.2025

Pronounced on : 24.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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1.Kamaladasan,
S/o.Anandan

2.Kalaiarasan,
S/o.Ganapathy

3.Raja @ Rajkumar,
S/o.Periyakaruppan

... Petitioners / Accused Nos.2, 4 & 5

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.55 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS), for bail in Crime No.55 of 2025 on the file of
the respondent police.



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For Petitioners : Mr.R.Gandhi,
Senior Counsel
for Mr.A.Balaji,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor
assisted by
Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

The petitioners / accused nos.2, 4 and 5, who were arrested and remanded to judicial custody on 22.05.2025 and 23.05.2025 respectively for the offences under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023, which was later altered to Section 105 of the Bharatiya Nyaya Sanhita, 2023, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.55 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 20.05.2025 at about 12.00 p.m., the defacto complainant, who is serving as the Village Administrative Officer (VAO) of Mallakottai Village, falling within the territorial jurisdiction of Singampunari Taluk, approached the respondent police station and lodged a complaint. In the complaint, it was alleged that on the same day, at approximately 09.00 a.m., a catastrophic



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incident occurred within the premises of a private industrial site known as Mega Blue Metals, wherein a sudden and massive rock slide rapidly descended along the slope. The said mishap tragically resulted in the instantaneous death of six individuals, all of whom were engaged in stone-breaking operations at the quarry site. In view of the same, the defacto complainant sought legal action against the proprietor of Mega Blue Metals. Pursuant to a preliminary investigation, the respondent police implicated the petitioners and others, who were employed in the capacities of manager and site engineer, as accused persons, as reflected in the alteration report. Hence, the case.

3. The learned senior 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 the petitioners are innocent employees working under the direct supervision and control of A1, who is the proprietor of Mega Blue Metals. The second petitioner has been employed for the past 3½ years, and the third petitioner for over 5 years. They are neither owners nor lessees of the quarry, nor do they hold any independent operational responsibility, apart from following the directions of A1.



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4. The learned senior counsel would further submit that Mega Blue Metals employs approximately 217 workers and maintains a biometric attendance system to accurately record employee presence. As per the attendance register and biometric data, both the second and third petitioners were absent on 20.05.2025, the date of the unfortunate incident, due to personal exigencies. Thus, their physical presence at the site at the time of the occurrence is clearly disproved. He would also submit that the accident was not the result of any negligent or unlawful act on the part of the petitioners. It was an unfortunate act of God, caused by continuous and heavy rainfall, which led to the unexpected rockslide. The petitioners had no role in the day-to-day quarrying operations on the said date. Moreover, no quarrying activity was conducted at the survey number mentioned in the complaint. In fact, the deceased workers had only gone to that location to retrieve equipment.

5. He would further submit that A1 has been operating the quarry for more than six years with all valid licenses and statutory approvals from the competent authorities. All required safety norms and insurance coverages were duly adhered to. In fact, A1 has already provided a sum of Rs.5,00,000/- as ex-gratia compensation to the families of each of the deceased workers and also maintains an active employee insurance policy with New India Assurance Company. He would



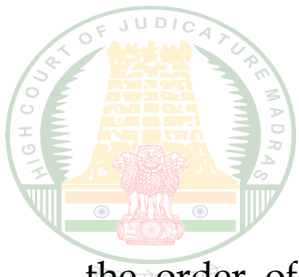
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also submit that the third petitioner's marriage is scheduled to be solemnized within the next two weeks. Hence, the protection of his personal liberty is of urgent necessity. He would further submit that there are no previous cases or criminal antecedents against the petitioners. He would also submit that the first and second petitioners have been in judicial custody since 22.05.2025, and the third petitioner has been in custody since 23.05.2025. Hence, he seeks bail.

6. The learned Additional Public Prosecutor would submit that there are totally six accused persons in this case and the petitioners have been arrayed as A2, A4 and A5. He would further submit that A1 has violated the lease terms by quarrying stones from unauthorized survey fields beyond the approved area and depth, even after the lease expired in September 2024. The lease permitted quarrying only up to 47 meters in specific patta lands. Despite this, quarry operations continued illegally, leading to a fatal rockslide that killed six workers. Investigations are underway, including a drone survey ordered by the authorities. He would fairly submit that the petitioners failed in discharging their duty to supervise the safety operations at the quarry site.

7. The learned Additional Public Prosecutor would fairly submit that, as per



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the order of the District Collector, Sivagangai, in Na.Ka.No.241/Kanimam/2025 dated 20.05.2025, it is revealed that the petitioners had violated the stipulated terms and conditions and carried out quarry operations illegally. He would further submit that, as per the order of the Sub-Collector, Devakottai, in Na.Aa.2/4173/2025 dated 09.06.2025, a penalty of Rs.91,00,56,960/- was imposed on A1 on account of the said illegal quarrying activities.

8. The learned Additional Public Prosecutor would also submit that the law prohibits any mineral removal after lease expiry under Rule 36(f) of the Tamil Nadu Minor Mineral Concession Rules, 1959. A1 is liable under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, and relevant rules. The police are legally empowered to register and investigate the case, as affirmed by the Hon'ble Division Bench of this Court in Sengol and Others vs. Inspector of Police, reported in 2012 (2) CTC 369. Given that the investigation is at a nascent stage and considering the grave nature of the offence, which appears to have been committed in blatant disregard of legal and safety norms, the petitioners are viewed as principal offenders. They also have the potential to influence or tamper with evidence and witnesses. Therefore, their plea for bail should be denied, as their further custodial interrogation is crucial to uncover the full extent of the violations



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and prevent further public unrest. He, therefore, opposes the grant of bail to the petitioners.

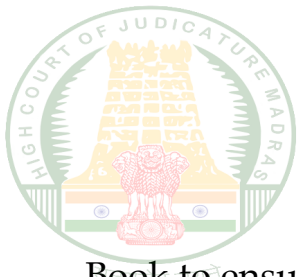
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9. This Court has heard the learned counsel on both sides and perused the materials available on record.

10. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioners and taking into consideration the period of incarceration and taking note of the fact that the petitioners are only employees without any independent operational authority and also taking note that there are no previous cases against them, this court is inclined to grant bail to the petitioners, however, subject to the following conditions:

11. Accordingly, the petitioners are ordered to be released on bail on their 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 the learned Judicial Magistrate, Singampunari, 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



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Book to ensure their identity.

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[b] the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Singampunari. If the petitioners changes their residential address, they shall report the same to the learned Judicial Magistrate, Singampunari.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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Court in P.K.Shaji -vs- State of Kerala [(2005)AIR SCW 5560].

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

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

sd/-
24/06/2025

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24/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE,
SINGAMPUNARI.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



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3.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4.THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-6675[I] dated 24/06/2025)

ORDER
IN
CRL OP(MD) No.10109 of 2025
Date :24/06/2025

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