WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10124 of 2025

1.Boothathan @ Sangili Boothathan,
S/o.Sivan

2.Esakki @ Esakkimuthu,
S/o.Muthaiah Devar

3.Veyilatchi @ Veilmuthu,
S/o.Chellapandi

... Petitioners/A2 to A4

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.412 of 2025)

... Respondent/Complainant

For Petitioners : Mr.Jegadeesha Pandian V.M.,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

https://www.mhc.tn.gov.in/judis

WEB COPY

PRAYER :-

For Anticipatory Bail in Crime No.412 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) BNS, 2023 r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.412 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons illegally excavated 2 units of Kuruvai sand using a JCB and a TATA mini lorry. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and are in no way connected with the alleged occurrence as stated by the prosecution. They have been falsely implicated in this case. He further submitted that the 1st petitioner is the adjacent landowner of the 2nd petitioner. The 2nd petitioner is running a brick chamber under the name and style of "Prem Muthu Bricks," and the 3rd petitioner is the lorry driver employed by the 2nd petitioner. In fact, the said Kuruvai sand was transported from the quarry at Polur, Thiruvannamalai District, by the 2nd petitioner on 18.02.2025, and the same was deposited on the 1st petitioner's land for the purpose of brick manufacturing. The

https://www.mhc.tn.gov.in/judis

WEB COPY

respondent police, in order to register a case for statistical purposes, lodged a false complaint against the petitioners. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submits that there are totally four accused persons in this case and the petitioners have been arrayed as A2 to A4. A1 was arrested and subsequently released on bail on 17.06.2025 by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P.No.2622 of 2025. He further submitted that the entire properties have been recovered. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the quantity of minerals involved, and also taking note of the fact that the entire properties have been recovered, and that the co-accused has been arrested and subsequently released on bail, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of

https://www.mhc.tn.gov.in/judis

WEB COPY

Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 No.III, Tirunelveli, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 deposit a sum of ***Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)*** each to the credit of ***the District Mineral Foundation Trust, Tirunelveli District*** as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.III, Tirunelveli shall accept the sureties furnished by the petitioners;

(c) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Tirunelveli. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.III, Tirunelveli;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

https://www.mhc.tn.gov.in/judis

WEB COPY

(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 themselves 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
25/06/2025

/ TRUE COPY /

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

MKN

TO

1 THE JUDICIAL MAGISTRATE COURT NO.III,
TIRUNELVELI.

https://www.mhc.tn.gov.in/judis

WEB COPY

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.10124 of 2025
Date :25/06/2025

NM/09.07.2025/ 6P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

https://www.mhc.tn.gov.in/judis