



CRL OP(MD). No.10213 of 2025

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

Date : 18/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10213 of 2025

S.Ramesh,
S/o.Sivaji

... Petitioner/ A8

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.104 of 2025)

... Respondent/Complainant

For Petitioner : Mr.V.Panneer Selvam,
Advocate

For Respondent : Mr.Thanga Aravindh.B,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.104 of 2025 on the file of the Respondent Police.



CRL OP(MD). No.10213 of 2025

WEB COPY

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.104 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons illegally excavated 250 units of river sand using JCBs, a tipper lorry, and a tractor with trailer from the land belonging to one Kanimozhi, daughter of V.Kasinathan, for the purpose of commercial gain. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person, and is no way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case. He further submits that the petitioner is working as a watchman in the agricultural farm of V.Kasinathan, who is engaged in agricultural activities on his land. The sand was excavated merely for the purpose of developing the agricultural field, and not for any commercial purpose. Hence, he seeks anticipatory bail to the petitioner.



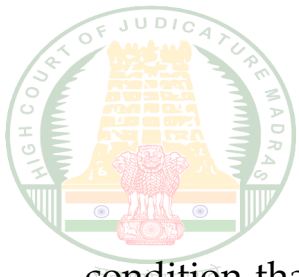
CRL OP(MD). No.10213 of 2025

WEB COPY

4. The learned Government Advocate (Criminal Side) submits that the petitioner has been arrayed as A8 in this case. A4 was arrested and subsequently released on bail by this Court. The petitioner is the driver of a vehicle. All the vehicles involved in the incident were seized, and no sand was found in them. No sand was transported on the road, nor the vehicle was seen being used to load sand for commercial purposes. He further submits that there are no previous cases against the petitioner. However, he opposes the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and taking note of the fact that there are no previous cases against the petitioner, and that entire properties have been recovered, and that A4 was arrested and subsequently released on bail by this Court, 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 learned Judicial Magistrate, Thiruvadanai, on



CRL OP(MD). No.10213 of 2025

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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 learned Judicial Magistrate, Thiruvadanai, 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 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, Thiruvadanai. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Thiruvadanai;

(c) the petitioner shall report before the respondent police weekly twice i.e. on every Monday and Friday at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 petitioner in accordance with



CRL OP(MD). No.10213 of 2025

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;

(g) 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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1.THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2.THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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CRL OP(MD). No.10213 of 2025

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

ORDER
IN
CRL OP(MD) No.10213 of 2025
Date :18/06/2025

PR/01.07 .2025 6P/5C

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