



CRL OP(MD). No.10309 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Muruganantham,
S/o.Govindharaj

2.Prabhakaran,
S/o.Maruthamuthu

3.Vasanth,
S/o.Prabhakaran

... Petitioners/ A15 to A17

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.373 of 2025)

... Respondent/Complainant

For Petitioners : Mr.Dhilipanpandian.R.L.,
Advocate

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :- For Anticipatory Bail in Crime No.373 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A15 to A17, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS, 2023 r/w. Section 3(2) of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.373 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that based on secret information regarding the illegal storage of river sand, the respondent police proceeded to the spot and found that the petitioners had stored 10 units of river sand. Hence, the present case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners have been falsely implicated in this case. He however submitted that the petitioners are ready and willing to abide any conditions that may be imposed by this Court. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners have been arrayed as A15, A16 and A17 in this case. A1 to A3, A6 to A9 and A12 were arrested and are still in custody. Insofar as the 1st petitioner/A15 is



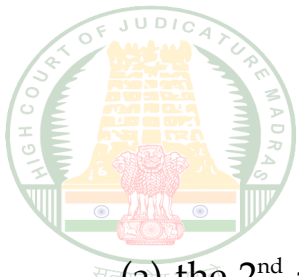
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concerned, five previous cases have been registered against him, whereas, insofar as the 2nd and 3rd petitioners/A16 and A17 are concerned, no previous cases have been registered against them. He further submitted that the entire properties have been recovered. However, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also taking note of the fact that there are five previous cases registered against the 1st petitioner/A15, this Court is not inclined to grant anticipatory bail to the 1st petitioner at this stage. However, considering the fact that there are no previous cases registered against the 2nd and 3rd petitioners/A16 and A17, and that the entire properties have already been recovered, this Court is inclined to grant anticipatory bail to the 2nd and 3rd petitioners, subject to certain conditions.

6. Accordingly, the 2nd and 3rd petitioners are ordered to be released on bail in the event of their arrest or on their 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, Thanjavur on condition that the 2nd and 3rd petitioners shall execute a bond for a sum of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur and on further conditions that:



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सु (a) the 2nd and 3rd 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;

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(b) the 2nd and 3rd petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the District Mineral Foundation Trust, Thanjavur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Thanjavur shall accept the sureties furnished by the 2nd and 3rd petitioners;

(c) the 2nd and 3rd petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Thanjavur. In the event of any change in their residential address, the 2nd and 3rd petitioners shall report the same to the learned Judicial Magistrate No.II, Thanjavur;

(d) the 2nd and 3rd petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the 2nd and 3rd petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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Court is entitled to take appropriate action against the 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd petitioners 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/the 2nd and 3rd petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

7. Accordingly, this Criminal Original Petition is dismissed as against the 1st petitioner and is allowed as against the 2nd and 3rd petitioners.

sd/-
24/06/2025

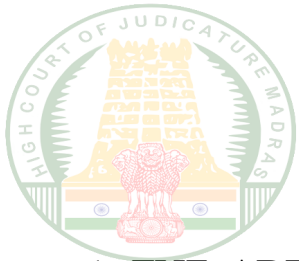
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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO
1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.10309 of 2025
Date :24/06/2025

SA/SAR. /08.07.2025/6P/6C

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