



CRL OP(MD).No.10409 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

(Criminal Jurisdiction)

Date : 23.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10409 of 2025

1.Prabhakaran

2.Suresh

... Petitioners / A1 and A2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
(Crime No.99 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.99 of 2025
on the file of the respondent police.

For Petitioners : Mr.P.Surli Raja,
Advocate

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



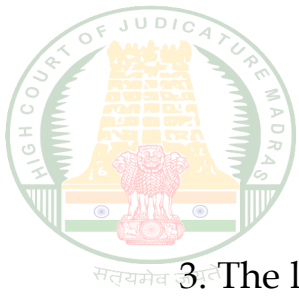
CRL OP(MD).No.10409 of 2025

WEB COPY

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.99 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 12.06.2025, while on surveillance, the Sub-Inspector of Police is said to have spotted two vehicles – namely, a Tipper Lorry bearing Registration No.TN-28-BJ-3015 and a JCB bearing Registration No.TN-45-BH-8338 near the Palaiyapatti small river bed (Oodai). Upon inspection, it was found that the petitioners had illegally attempted to extract sand (Oodai sand) from the river bed without any valid license. On noticing the respondent police, the petitioners allegedly fled from the scene of occurrence. Subsequently, the respondent police registered a case against the petitioners and seized the aforesaid vehicles. Hence, the case.



CRL OP(MD).No.10409 of 2025

WEB COPY

3. The learned 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 there are no previous cases against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the accused persons had illegally attempted to extract sand (Oodai sand) from the river bed without possessing any valid license. He would further submit that there are no previous cases against the petitioners. He would also submit that the alleged properties involved in the offence have been seized. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

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

6. Taking into consideration the facts and circumstances of the case, the nature of offence allegedly committed by the petitioners and taking note the quantity of minerals involved in this case and also taking into consideration the fact that there



CRL OP(MD).No.10409 of 2025

are no previous cases against the petitioners, this Court is inclined to grant
WEB COPY
anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the 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 Judicial Magistrate No.III, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Judicial Magistrate No.III, Thanjavur District and on further conditions 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 furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Thanjavur District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.III, Thanjavur District.



CRL OP(MD).No.10409 of 2025

WEB COPY

[c] the petitioners shall make a non-refundable deposit of Rs.4,000/- (Rupees Four Thousand only) each to the credit of Chairman / District Collector, District Mineral Foundation Trust of the concerned District and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

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

(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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560].



CRL OP(MD).No.10409 of 2025

WEB COPY

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

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

sd/-
23/06/2025

/ TRUE COPY /

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

pal

TO

- 1.The Judicial Magistrate No.III,
Thanjavur District.
2. Do Through The Chief Judicial Magistrate,
Thanjavur District @ Kumbakonam.
- 3.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD).No.10409 of 2025

Copy To

The Chairman / District Collector,
The District Mineral Foundation Trust,
Thanjavur District.

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-6667[I] dated 24/06/2025)

ORDER
IN

CRL OP(MD) No.10409 of 2025
Date :23/06/2025

HPS/08.07.2025 /7P/7C

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