



CRL OP(MD).No.10569 of 2025

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

Date : 25.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10569 of 2025

Santhoshkumar @ Santhosh

... Petitioner /
Accused Rank No.1

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No.110 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.110 of
2025 on the file of the respondent police.

For Petitioner : Mr.D.Raja Boopathy,
Advocate



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

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.110 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.06.2025, while the defacto complainant along other police officials was on patrolling duty, the petitioner and other accused persons illegally transported 1/4 units of Vaari Sand in TATA Ace bearing Registration No.TN-49-CM-8059 without a valid permit and license for transportation. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He further submitted that co-accused had already been released on bail by this Court in



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Crl.OP(MD)No.10574 of 2025, dated 25.06.2025. Hence, he seeks anticipatory bail to

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the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the accused person was found in possession of 1/4 units of Vaari Sand in TATA Ace, without any valid permit for transportation. He would further submit that the alleged properties have been seized by the respondent police. He would also submit that the investigation is almost completed, and therefore, he opposed for grant of anticipatory bail to the petitioner.

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 and investigation is almost completed and the alleged properties have already been recovered, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of



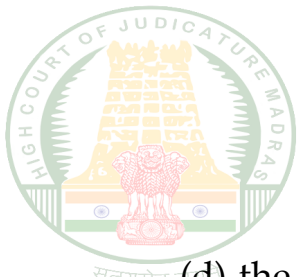
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his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Thanjavur, Thanjavur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 Court No.II, Thanjavur, Thanjavur District and on further conditions 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 Court No.II, Thanjavur, Thanjavur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate Court No.II, Thanjavur, Thanjavur District.

[c] the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) 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.



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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioner 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 petitioner in accordance with 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].

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

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

sd/-
25/06/2025

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



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TO

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

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

ORDER
IN
CRL OP(MD) No.10569 of 2025
Date :25/06/2025

HPS/10.07.2025 /6P/6C

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