



CRL OP(MD). No.10636 of 2025

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

Date : 26/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Vijay,
S/o.Ramukkannu

2.Santhosh Kumar,
S/o.Sevugan

3.Kabilan,
S/o.Muthukumaran

... Petitioners/ Accused

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 Petitioners : Mr.R.Balakrishnan,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS
PRAYER :-



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

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, 2023 r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.104 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.05.2025, the petitioners, along with other accused, attempted to illegally transport 250 units of sand using a tractor bearing Registration No.TN-49-S-7506 and a tipper lorry bearing Registration No.TN-49-AF-9595, with the assistance of two JCB machines. The further case of the prosecution is that the petitioners and other co-accused did not obtain any permit from the competent authorities for the mining and transportation of the sand. Hence, the present case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. In fact, the 1st accused is the owner of the land. The 2nd accused informed the petitioners that she intended to form a baby pond on her property; hence, the petitioners, who are coolie workers, were engaged for that purpose. The excavated sand from the property was not transported elsewhere, and the vehicles were used



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only for levelling the land. He, however, submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners have been arrayed as A5, A6 and A7, and they are the drivers of the vehicles involved. Insofar as A7 is concerned, there are two previous cases registered against him, whereas, A5 and A6 have no previous cases registered against them. He further submitted that A4 was arrested and subsequently released on bail on 11.06.2025 by this Court in Crl.O.P.(MD)No.9867 of 2025. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also taking note of the fact that one of the co-accused has been arrested and subsequently released on bail by this Court, and that the petitioners are the drivers of the vehicles involved, 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 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, Thiruvadanai on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-



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

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

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail



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

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

sd/-
26/06/2025

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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, THIRUVADANAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE, THONDI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-6850[I] dated 27/06/2025)

ORDER
IN
CRL OP(MD) No.10636 of 2025
Date :26/06/2025

NBF/08.07.2025 5P/6C

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