



CRL OP(MD). No.10715 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10715 of 2025

Kesavarajan,
S/o.Kaliyaperumal

... Petitioner/ A8

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 Petitioner : Mr.Maheswaran R,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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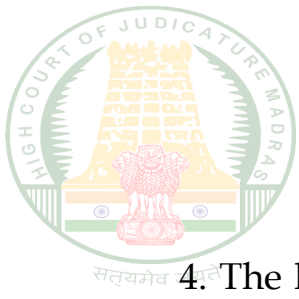
For Anticipatory Bail in Crime No.373 of 2025 on the file of the Respondent Police.

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 Sections 303(2) and 326(a) of BNS, 2023 r/w. Section 3(2) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act in Crime No.373 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, who is the Sub-Inspector of Police, received secret information that some miscreants had transported sand illegally. Based on this information, on 12.06.2025, he, along with deputed officials, proceeded to the Vettaru River. At that time, they found that the accused had illegally transported river sand without any permission or valid licence. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, and is in no way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Crl. side) submits that there are totally 17 accused persons in this case and the petitioner has been arrayed as A8. A6, A7 and A9 were arrested and subsequently released on bail by this Court on 27.06.2025 in Crl.O.P.(MD)No.10737 of 2025. He submitted that there is one previous case registered against the petitioner, and the entire properties have been recovered. He further submitted that the petitioner has illegally stored 19 units of sand in his land. Hence, he opposed to grant 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 the co-accused were arrested and subsequently released on bail by this Court, and that the entire properties have already been recovered, 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 No.II, Thanjavur, on 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 No.II, Thanjavur, failing which, the



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petition for anticipatory bail shall stand dismissed and on further condition that:

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(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;

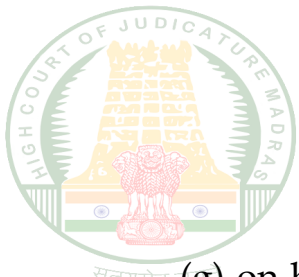
(b) the petitioner shall deposit a sum of **Rs.40,000/- (Rupees Forty Thousand only)** to the credit of *the District Mineral Foundation Trust, Thanjavur District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Thanjavur shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Thanjavur. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Thanjavur;

(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;



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(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]* and;

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

Sd/-

10.07.2025

// True Copy //

/ /2025

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court

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TO

1.The Judicial Magistrate No.II,
Thanjavur@Kumbakonam

2.Do Through The Chief Judicial Magistrate,
Thanjavur District@Kumbakonam

3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis>



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Copy To
The Officer Incharge,
District Mineral Foundation Trust,
Thanjavur District@Kumbakonam.

ORDER
IN
CRL OP(MD) No.10715 of 2025

Date : 10/07/2025

JJ/23.07.2025 6P/ 6C

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