



CRL OP(MD)No.10925 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.10925 of 2025

1.Thirumalaisamy,
S/o.Vellaisamy.

2.Venkatesh,
S/o.Chellaisamy.

Vs

... Petitioners/ A2 and A5

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.88 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.T.Dineshpandi,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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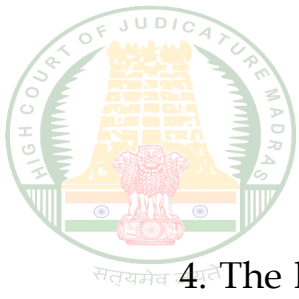
For Anticipatory Bail in Crime No.88 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.88 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused have illegally transported ½ unit of sand (odai) by using a tractor. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons, and are in no way connected with the alleged occurrence as stated by the prosecution. They have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.



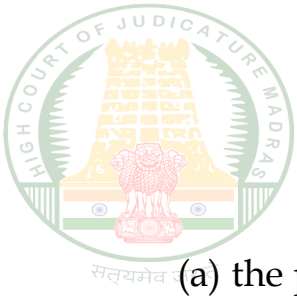
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4. The learned Government Advocate (Crl. side) submits that there are totally five accused persons in this case and the petitioners have been arrayed as A2 and A5. The properties have been recovered. He further submits that the second petitioner is not having any previous case, but the first petitioner has two previous cases. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the quantity of minerals involved, and also taking note of the fact that the properties have been recovered, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rajapalayam at Virudhunagar, 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Rajapalayam at Virudhunagar, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(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;

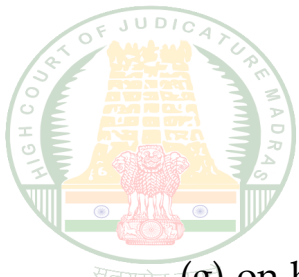
(b) the petitioners shall deposit a sum of *Rs.2,000/- (Rupees Two Thousand only)* each to the credit of *the District Mineral Foundation Trust, Virudhunagar District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Rajapalayam, Virudhunagar District shall accept the sureties furnished by the petitioners;

(c) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Rajapalayam, Virudhunagar District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Rajapalayam, Virudhunagar District;

(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;



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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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
30/06/2025

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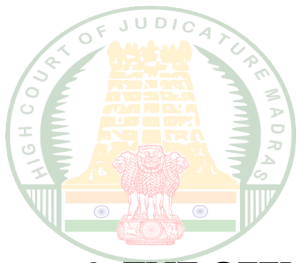
/07/2025

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

TO

1.THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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3. THE OFFICER IN CHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.

4. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.T.DINESHPANDI, Advocate (SR-7018[I] dated 02/07/2025)

ORDER

IN

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Date :30/06/2025

PS/15.07 .2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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