



CRL OP(MD). No.10912 of 2025

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

Date : 04/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Vishwanathan,
S/o.Govindharaj

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.282 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R.L.,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.282 of 2024 on the file of the Respondent Police.



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(Crime Number has been amended vide Court order dated 07.07.2025 in Crl.M.P.(MD) No.8687 of 2025 in Crl.O.P.(MD)No.10912 of 2025 by PVMJ)

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 49 of BNS, 2023 r/w. Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.282 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused illegally transported one unit of river sand without any valid permission or license. Hence, a case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that there are totally three accused persons in this case and the petitioner has been arrayed as A1.

A2 and A3 were arrested and subsequently released on bail. He further submitted



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that there are seven previous cases registered against the petitioner, out of which four cases are of a similar nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the nature of the offence, and considering the quantity of minerals involved, and also taking note of the fact that the co-accused were arrested and subsequently released on bail, and that as the date of occurrence is 12.07.2024, by this time most of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioner, subject to 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, Thiruvaiyaru, 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, failing which, the petition for anticipatory bail shall stand dismissed and on further



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condition that:

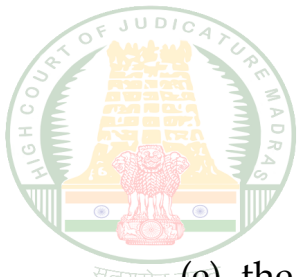
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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of *Rs.10,000/- (Rupees Ten 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, Thiruvaiyaru, Thanjavur District shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;

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



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सत्यमेव जयते (e) the petitioner shall not tamper with evidence or witness either during
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(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]* and;

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

sd/-
04/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 The Judicial Magistrate,
Thiruvaiyaru,
Thanjavur District.

2 The Chief Judicial Magistrate,
Thanjavur District.

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

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

Copy to

1 The Officer Incharge,
District Mineral Foundation Trust,
Thanjavur District.

+1 CC to M/s.RL.DHILIPAN PANDIAN, Advocate (SR-8558[I] dated 07/08/2025)

ORDER

IN

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Date :04/08/2025

NM/22.08.2025/ 6P/7C

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