



CRL OP(MD).No.11185 of 2025

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

Date : 03.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.11185 of 2025

Chinnamuthu @ Magesh

... Petitioner / Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Alwarithirunagiri Police Station,
Thoothukudi District.
(Crime No.87 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.87 of 2025
on the file of the respondent police.

For Petitioner : Mr.KA.Raamakrishnan,
Advocate

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



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ORDER : The Court made the following order :-

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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.87 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.06.2025, at about 07:00 AM, the defacto complainant received secret information regarding the theft of river sand. Acting upon the information, he conducted a patrol along with his team and found 100 bags of sand near the Thoottiyankudieruppu channel. Upon further enquiry, it was revealed that the petitioner/accused had made the arrangements for the same. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person 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 would further submit that the petitioner is ready to abide by any conditions to be imposed by the Court. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the accused was illegally quarrying 100 bags of river sand and transporting the same without any valid permission or license. He would further submit that the alleged properties have been seized by the respondent police. He would also submit that there are four previous cases against the petitioner. He would also submit that the investigation is still pending, and therefore, he opposes the 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, the nature of offence allegedly committed by the petitioner and taking note the quantity of minerals involved in this case and also taking into consideration the fact that 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 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 No.II, Tiruvaikundam, Tuticorin 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



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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 No.II, Tiruvaikundam, Tuticorin 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 No.II, Tiruvaikundam, Tuticorin District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Tiruvaikundam, Tuticorin District.

[c] the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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.

(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].

(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/-
03/07/2025

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

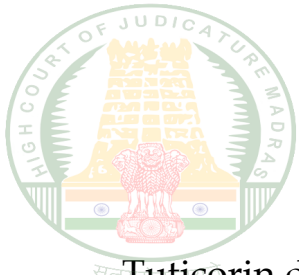
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TO

1.The Judicial Magistrate No.II,
Tiruvaikundam,
Tuticorin District.

2. Do through the Chief Judicial Magistrate,

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



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Tuticorin district.

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3. The Chairman/District collector,
District Mineral Foundation Trust,
Tuticorin District.
4. The Inspector of Police,
Alwarithirunagiri Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.11185 of 2025

Date :03/07/2025

PS/SAR.21.07.2025 6P/6C

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