



CRL OP(MD).No.11198 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Balakrishnan

2.Palani @ Palaniyappan

... Petitioners / A1 and A2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
(Crime No.155 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.155 of
2025 on the file of the respondent police.

For Petitioners : Mr.C.Prithviraj,
Advocate

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



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ORDER: The Court made the following order :-

The petitioners, 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.155 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.06.2025 at about 12:30 PM, an inspection was conducted by the defacto complainant, Assistant Director of Mines and Minerals, along with the Tahsildar of Guzilamparai Taluk, in Survey No. 1523/1D2, measuring 00.74.00 ares, bearing Patta No. 9229, situated at Palayam Village. During the inspection, it was found that sand was being washed illegally using a machine. Approximately 4 units of sand, each worth about Rs.8,000/-, were found stored without proper permission from the Government. At the time of inspection, no persons were present at the site. The machine used for washing sand was sealed by the authorities. Since the sand was stored and the machine operated without proper authorization, in violation of the relevant rules and regulations under the Act, a complaint was lodged against the patta holder, Balakrishnan, and one Palani, the owner of the machine. Hence, the case.



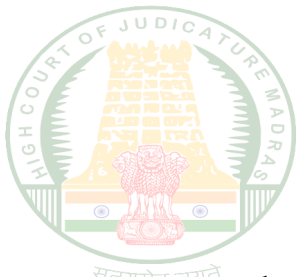
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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that there no previous cases against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the sand had been washed illegally by using a machine. He would further submit that the machine used for washing the sand was sealed by the authorities during the course of inspection. He would further submit that there are no previous cases against the petitioners. He would also submit that the alleged properties involved in the offence have been seized. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.



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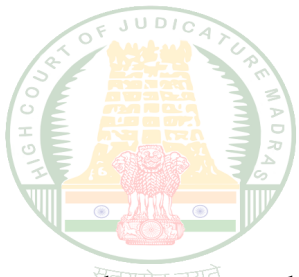
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6. Taking into consideration the facts and circumstances of the case, the nature of offence allegedly committed by the petitioners and taking note the quantity of minerals involved in this case and also taking into consideration the fact that there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. 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 Judicial Magistrate, Vendasandur, Dindigul District 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 to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Magistrate, Vendasandur, Dindigul District 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, Vendasandur, Dindigul District. In the event of any



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change in their residential address, the petitioners shall report the same to the
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learned Judicial Magistrate, Veda sandur, Dindigul District.

[c] the petitioners shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) each 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.

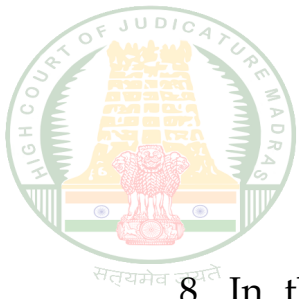
(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(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.

(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 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.



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8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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/ /2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR,
DINDIGUL.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
GUZILIAMARAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
DINDIGUL.



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ORDER

IN

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Date :03/07/2025

MGJ (22.07.2025)/7P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.