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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

CRL OP(MD).No.11223 of 2025

Kaliraj,
S/o.Marimuthu,

... Petitioner/ Accused

Vs

The State of TamilNadu
rep.by
The Sub-Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(Crime No.157 of 2025)

... Respondent/ Complainant

For Petitioner : M/s.R.Jagadeeshwaran
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police
<https://www.mhc.tn.gov.in/judis>

for the offences punishable under Sections 303(2) BNS and Section 21(1) of Mines



and Minerals (Development & Regulations) Act, 1957 in Crime No.157 of 2025 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that on 23.06.2025, at about 17.30hrs, the respondent police and other officials were conducted check up, at that time, they found that the petitioner along with others was engaged in excavation of gravel sand from S.No.39/1, O.Mettupatti Village, using JCB bearing Registration No.TN 63 CX 0956 and TATA Tipper lorry bearing registration No.TN 76 T 1084. On seeing the officials, the accused persons fled away from the spot. 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 offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions which may be imposed by this Hon'ble Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner and other were illegally excavated gravel sand without having any permit or license. The JCB and tipper lorry were seized by the respondent police. Already, the third accused was enlarged on bail. There are four previous case against the petitioner, all are similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the properties were recovered by the respondent police, already the co-accused were enlarged on bail,



this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

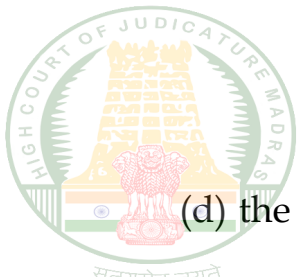
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6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Sattur, Virudhunagar 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 to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Magistrate No.II, Sattur, Virudhunagar 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 make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and produce the acknowledgment at the time of executing bond;

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



(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;

(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 thereafter abscond, a fresh FIR can be registered under
Section 269 of BNS, 2023.

Sd/-

03.07.2025

// True Copy //

/ /2025

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

gvn



TO:-

1.The Judicial Magistrate No.II,
Sattur, Virudhunagar District.

2. Do through the Chief Judicial Magistrate,
Virudhunagar.

3.The Sub Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

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

5. The Chairman/District Collector,
District Mineral Foundation Trust
Virudhunagar District.

+1cc M/s. R.jagadeeshwaran Advocate S.r.No. 7167 dated 04/07/2025

ORDER
IN

CRL OP(MD) No.11223 of 2025
Dated : 03/07/2025

CT (23/07/2025) 5P/7C

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