



CRL OP(MD). No.11438 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11438 of 2025

1.Balamurugan,
S/o.Veeranan

2.Rajesh,
S/o.Palanichamy

... Petitioners/ Accused

Vs

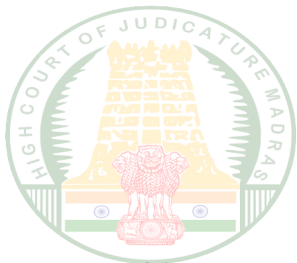
The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Rajathanai Police Station,
Theni District.
(Crime No.115 of 2025)

... Respondent/Complainant

For Petitioners : Mr.Kannan Gurusami,
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.115 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21(4) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.115 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused illegally transported 3 units of red sand by using a tipper lorry bearing registration No.TN-55-AC-5078. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners submitted the petitioners are innocent persons, and have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that the petitioners



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have been arrayed as A1 and A2. The 1st petitioner is the driver of the vehicle, and the 2nd petitioner is the owner of the vehicle. He further submitted that the entire properties have been recovered. However, 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 entire properties have already been recovered, and that as the date of occurrence is 21.06.2025, by this time most of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioners, with 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, Andipatti, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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, Andipatti, Theni



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District, failing which, the petition for anticipatory bail shall stand dismissed and on
WEB COPY further condition 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;

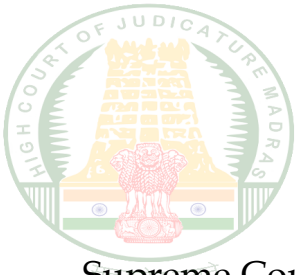
(b) the petitioner shall deposit a sum of ***Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)*** each to the credit of ***the District Mineral Foundation Trust, Theni District*** as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Andipatti, Theni District shall accept the sureties furnished by the petitioner;

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

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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



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Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560] and;

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

Sd/-

08.07.2025

// True Copy //

/ /2025

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court

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TO

1.The Judicial Magistrate,
Andipatti, Theni District.

2.Do Through The Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Rajathanai Police Station,
Theni District.

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



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Copy To
The Officer Incharge,
Distirct Mineral Foundation Trust,
Theni District.

ORDER
IN
CRL OP(MD) No.11438 of 2025
Date : 08/07/2025

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