



CRL OP(MD). No.11573 of 2025

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

Date : 09.07.2025

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD). No.11573 of 2025

Thangavelu

... Petitioner/
Accused No.2

Vs

State of Tamilnadu, rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.141 of 2025)

... Respondent/
Complainant

For Petitioner : Mr.R.Vinodh,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Section 482 B.N.S.S.



CRL OP(MD). No.11573 of 2025

PRAYER :-

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For Anticipatory Bail in Crime No.141 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, Section 303(2) BNS, 2023 and Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.141 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 19.06.2025, the petitioner and the other accused, while taking sand from the first accused's patta land for the purpose of forming a Pannai Kuttai (farm pond) by using JCB, had taken savadu sand in the nearby land and in that process, they had inadvertently damaged the pond bed of the kanmai. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He would further submit that the petitioner is no way connected with the case, a false case has been lodged as against the petitioner and that the

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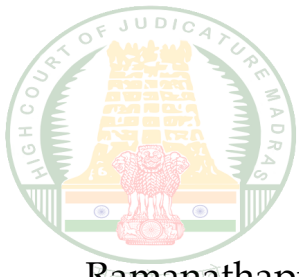
CRL OP(MD). No.11573 of 2025

petitioner is ready and willing to abide any conditions which may be imposed by
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this Hon'ble Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner and other had illegally taken 13.50 units of savadu sand, that the petitioner is the driver of the JCB and that the properties were recovered by the respondent police. He would further submit that the first accused was granted anticipatory bail by this Court in Crl.O.P.(MD) No.11228 of 2025 vide order dated 03.07.2025 on condition to deposit Rs.5,000/. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the properties have already been recovered and taking note of the fact that the first accused was granted anticipatory bail by this Court, 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 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, Thiruvadanai,



CRL OP(MD). No.11573 of 2025

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Ramanathapuram 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, Thiruvadanai, Ramanathapuram 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram District as Non-refundable Deposit and on such deposit being made, the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram 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

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CRL OP(MD). No.11573 of 2025

investigation or trial;

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

sd/-

09/07/2025

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

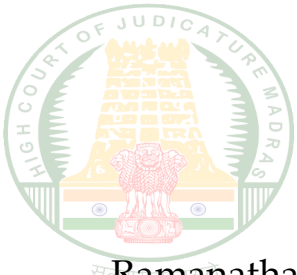
CSM

TO

1. The Judicial Magistrate,
Thiruvadanai, Ramanathapuram District.

2. Do through the Chief Judicial Magistrate,

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CRL OP(MD). No.11573 of 2025

Ramanathapuram District.

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3. The Officer In charge,
District Mineral Foundation Trust,
Ramanathapuram District.
4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.11573 of 2025
Date :09/07/2025

PS/SAR.30.07.2025 6P/6C

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