



CRL OP(MD). No.11567 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11567 of 2025

K.Balasubramanian,
S/o.Koilpitchai

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.323 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.Krishnan A.S.,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



CRL OP(MD). No.11567 of 2025

PRAYER :-

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For Anticipatory Bail in Crime No.323 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 305(e) of BNS, 2023 in Crime No.323 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons illegally excavated saral sand from the patta lands belonging to the petitioner using a JCB vehicle bearing Registration No.TN-72-BS-5865. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that A2 has been granted anticipatory bail by this Court on 23.07.2025 in CrI.O.P.(MD) No.11637 of 2025. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (CrI. side) submitted that there are totally two accused persons in this case and the petitioner has been arrayed as A1. A2 has been granted anticipatory bail by this Court on 23.07.2025 in CrI.O.P.(MD) No.11637 of 2025. The entire properties have been seized. He further submitted that



CRL OP(MD). No.11567 of 2025

there are no previous cases registered against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and also taking note of the fact that the entire properties have already been recovered, and that there are no previous cases registered against the petitioner, and that as the date of occurrence is 02.07.2025, by this time most of the investigation might have been completed, 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 bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Cheranmahadevi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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



CRL OP(MD). No.11567 of 2025

card or Bank pass Book to ensure their identity;

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(b) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the District Mineral Foundation Trust, Tirunelveli District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Cheranmahadevi shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevi. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Cheranmahadevi;

(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



CRL OP(MD). No.11567 of 2025

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

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

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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, Cheranmahadevi.
2. The Officer Incharge,The District Mineral foundation Trust,
Tirunelveli District.
- 3.The Inspector of Police, Cheranmahadevi Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.11567 of 2025
Date :01/08/2025



CRL OP(MD). No.11567 of 2025

PS/SAR.28.08.2025 6P/5C

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