



CRL OP(MD). No.11859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

(Criminal Jurisdiction)

Date : 16/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11859 of 2025

Eswaran,
S/o.Manivel

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.436 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.436 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.11859 of 2025

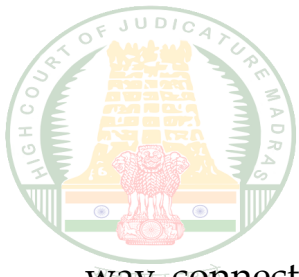
WEB COPY

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.436 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, illegally transported 1/4 unit of river sand in a bullock cart. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that this is the second anticipatory bail application filed before this Court. The earlier anticipatory bail application, filed in CrI.O.P.(MD)No.8765 of 2024, was allowed on 14.06.2024. However, as the petitioner failed to surrender and furnish sureties before the trial Court within the stipulated time, since he was affected by jaundice and was undergoing treatment in Kerala, the earlier anticipatory bail was automatically dismissed. Hence, the petitioner has now filed a fresh anticipatory bail application before this Court. He submitted that the petitioner is an innocent person and is in no



CRL OP(MD). No.11859 of 2025

way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case. 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 (Crl. side) submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. A1 is still absconding. The entire properties have been recovered. He further submitted that eight previous cases have been registered against the petitioner, out of which four are of a similar nature. Hence, he opposed to grant anticipatory bail to the petitioner.

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 this is the case of the year 2023, and that the entire properties have already been recovered, and that this Court had already granted anticipatory bail to the petitioner, which was dismissed solely due to non-compliance with the conditions imposed, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions.



CRL OP(MD). No.11859 of 2025

WEB COPY

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 No.2, Karur, Karur 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.2, Karur, Karur District, 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 card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.6,000/- (Rupees Six Thousand only) to the credit of the District Mineral Foundation Trust, Karur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.2, Karur, Karur District shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.2, Karur, Karur District. In the event of any change in his residential address, the petitioner shall report the same to the learned



CRL OP(MD). No.11859 of 2025

Judicial Magistrate No.2, Karur, Karur District;

WEB COPY

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

sd/-
16/07/2025

/ TRUE COPY /

/08/2025

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



CRL OP(MD). No.11859 of 2025

WEB COPY
TO

- 1.The Judicial Magistrate No.2, Karur, Karur District.
- 2.Do through The Chief Judicial Magistrate, Karur.
- 3.The Inspector of Police,Vangal Police Station, Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The officer Incharge,
the District Mineral Foundation Trust,Karur.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-7800[I] dated 18/07/2025)

ORDER
IN
CRL OP(MD) No.11859 of 2025
Date :16/07/2025

PR/31.07 .2025 6P/7C

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