



CRL OP(MD). No.12022 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12022 of 2025

1.Pandaram,
S/o.Uthiram.

2.Sundaram,
S/o.Esakkimuthu.

: Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.316 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.AK.Gopalan,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



CRL OP(MD). No.12022 of 2025

PRAYER :-

WEB COPY

For Anticipatory Bail in Crime No.316 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under section 303(2) of BNS r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.316 of 2025 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Village Administrative Officer. On 12.06.2025, when the defacto complainant/VAO of Thirupuliyankudi, was on rounds, he went near Mela Alwarthoppu CSI Church and found that the accused persons carried sand in 12 donkeys and they stored in Anganwadi building. He went inside the building and found five units of river sand. Hence, a case has been registered.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons, and they have been falsely implicated in this case. A3 and A4 have been released on bail by the learned Principal Sessions Judge, Thoothukudi, on 24.06.2025 in Cr.M.P.(MD)No.2253 of 2025. He further submits that the petitioners

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.12022 of 2025

are ready and willing to abide any conditions that may be imposed by this Court.

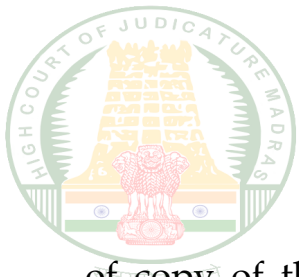
WEB COPY

Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submits that totally there are four accused involved in this case. The petitioners have been arrayed as A1 and A2. A3 and A4 have been granted bail by trial Court on 24.06.2025 in Cr.M.P.(MD) No.2253 of 2025. He further submits that the petitioners have illegally stored five units of river sand. The properties have already been recovered and the first petitioner/A1 is having one previous case and the second petitioner/A2 is having five previous cases. Hence, he objected 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 fact that the properties have already been recovered and also taking note of the fact that the co-accused has released on bail by the trial Court, 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 of receipt



CRL OP(MD). No.12022 of 2025

of copy of this order, before the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 No.I, Srivaikundam, Thoothukudi, failing which, the petition for anticipatory bail shall stand dismissed and on 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Thoothukudi District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi, shall accept the sureties furnished by the petitioners;

(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;



CRL OP(MD). No.12022 of 2025

WEB COPY

(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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and;

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

sd/-
05/08/2025

/ TRUE COPY /

/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

TO

1. The Judicial Magistrate No.I,
Srivaikundam, Thoothukudi.
2. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD). No.12022 of 2025

Copy To

The Officer Incharge,
The District Mineral Foundation Trust,
Thoothukudi District.

+2 CC to M/s.AK.GOPALAN, Advocate (SR-8419[I] dated 05/08/2025)

ORDER

IN

CRL OP(MD) No.12022 of 2025

Date :05/08/2025

HPS/02.09.2025 6P/7C

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