



CRL OP(MD). No.12140 of 2025

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

Date : 21/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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K.Kalaivanan : Petitioner/ A11

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.373 of 2025) ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.373 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A11, who apprehends arrest at the hands of the respondent police



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for the offences punishable under sections 303(2), 326(a) of BNS and Section 3(2) of
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Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime
No.373 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on receipt of secret information, on 12.06.2025, the respondent police made a search, at that time they found that a bolero pickup was parked on the backside of the A1's land near river bed loaded one unit of sand and also found a huge cluster of sand was being dumped in the land near river bed. The petitioner removed four units of sand and stored in his land. Totally 197 of units of sand stolen by the petitioner along with other accused and kept in their own land. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, and is no way connected with the alleged occurrence as stated by the prosecution. He would further submit that the petitioner is a heart patient and is residing at Perambalur. A1, A3, A4, A6, A7, A9 and A12 were already arrested and released on bail. A15 to A17 were already granted anticipatory bail by this Court. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Crl. side) would submit that the petitioner and other accused were illegally excavated 197 units of river sand and later it was valued at 447 units of river sand. The act of the petitioner and other accused caused major loss and destruction to the flow of water and the huge amount of river sand excavated from the river illegally. He would further submit that the properties have been recovered and the investigation is in progress. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the co-accused were already granted anticipatory bail by this Court and most of the investigation might have been completed and the properties have been recovered, this court is inclined to grant anticipatory bail to the petitioner, with 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 II, Thanjavur, 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



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of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

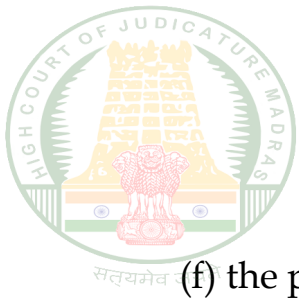
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate No.II, Thanjavur, 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.II, Thanjavur. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Thanjavur;

(d) the petitioner shall report before the Perambalur Police Station daily at 10.30 a.m., until further orders;

(e) the petitioner shall not tamper with evidence or witness either during 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
21/07/2025

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/08/2025

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

DAS

TO

1.THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

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



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3.THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

4.THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-7878[I] dated 22/07/2025)

ORDER
IN
CRL OP(MD) No.12140 of 2025
Date :21/07/2025

PR/07.08.2025 6P/8C

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