



CRL OP(MD). No.12175 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.08.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12175 of 2025

1.Thivakar,
S/o.Malairaj

2.Mohan,
S/o.Kuppusamy

... Petitioners/ Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
(Crime No.69 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.D.Rajaboopathy,
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.69 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21 (1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.69 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.07.2025, the accused persons illegally transported 1 unit of river sand without any valid permission or license. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners submitted the petitioners are innocent persons, and have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. side) submits that there are totally three accused persons in this case and the petitioners have been arrayed as A2 and A3. A1 is still absconding. There are no previous cases registered against the petitioners. He further submitted that the entire properties have been recovered. However, he objected to grant anticipatory bail to the petitioners.



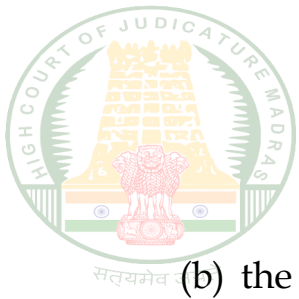
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5. Taking into consideration of the facts and circumstances of the case, the nature of the offence, and considering the quantity of minerals involved, and also taking note of the fact that as the date of occurrence is 14.07.2025, by this time most of the investigation might have been completed, and that the entire properties have been recovered, and that there are no previous cases registered against the petitioners, this court is inclined to grant anticipatory bail to the petitioners, subject to 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 on which the order copy made ready, before the learned Judicial Magistrate, Devakottai, Sivagangai District, 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, Devakottai, Sivagangai District, 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;



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(b) the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the District Mineral Foundation Trust, Sivagangai District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Devakottai, Sivagangai District 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;

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



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

sd/-
04/08/2025

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/2025
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,
Devakottai, Sivagangai District.
- 2.The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer In-charge,
District Mineral Foundation Trust,
Sivagangai District.



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ORDER
IN
CRL OP(MD) No.12175 of 2025
Date :04/08/2025

AS/01.09.2025/6P/5C

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