



CRL OP(MD). No.12466 of 2025

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

Date : 25/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12466 of 2025

Athikesavan,
S/o.Kumar

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.351 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.P.Veerapandi,
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.351 of 2025 on the file of the Respondent Police.



CRL OP(MD). No.12466 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 303(2) of BNS, 2023 in Crime No.351 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused illegally excavated and transported 1/2 unit of vandal sand using a JCB and a tipper lorry. 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, 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 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



CRL OP(MD). No.12466 of 2025

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

WEB COPY

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 taking note of the fact that the entire properties have already been recovered, and that there are no previous cases registered against the petitioner, 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, Sivagiri, Tenkasi 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, Sivagiri, Tenkasi 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



CRL OP(MD). No.12466 of 2025

impression in the surety bond and the Magistrate may obtain a copy of their Aadhar
WEB COPY
card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of *Rs.5,000/- (Rupees Five Thousand only)* to the credit of *the District Mineral Foundation Trust, Tenkasi District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Sivagiri, Tenkasi 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, Sivagiri, Tenkasi District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Sivagiri, Tenkasi District;

(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



CRL OP(MD). No.12466 of 2025

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
WEB COPY
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/-
25/07/2025

/ TRUE COPY /

/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.

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



CRL OP(MD). No.12466 of 2025

WEB COPY

1 THE OFFICER INCHARGE,
DISTICT MINERAL FOUNDATION TRUST,
TENKASI DISTICT.

+1. CC to P.VEERAPANDI Advocate SR.No.8087 (I) DT.28/07/2025

ORDER

IN

CRL OP(MD) No.12466 of 2025

Date :25/07/2025

NM/07.08.2025/ 6P/7C

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