



CRL OP(MD). No.12841 of 2025

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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.12841 of 2025

Sundar,
S/o.Seenivasan

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No.58 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.Sharma S,
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.58 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21(5) of the Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.58 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused illegally transported 3 units of gravel sand using a tipper lorry bearing Registration No.TN-46-F-8037. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and is in no way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case solely based on the confession of the 1st accused. He further submitted that A1 was arrested and subsequently released on bail by the learned Special District Judge to Deal with the Cases of Offences in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai on 04.07.2025 in Crl.M.P.No.3437 of 2025. 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 for the petitioner.

4. The learned Government Advocate (Crl. side) submitted that there are totally two accused persons in this case and the petitioner has been arrayed as A2. A1 was arrested and subsequently released on bail by the learned Special District Judge to



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Deal with the Cases of Offences in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai on 04.07.2025 in CrI.M.P.No.3437 of 2025. The entire properties have been recovered. He submitted that 1st accused is the driver and the 2nd accused is the owner of the vehicle. He further submitted that there is one previous case of a similar nature registered against the petitioner. 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 the entire properties have already been recovered, and that the co-accused was arrested and subsequently released on bail, and that as the date of occurrence is 20.06.2025, by this time material part of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioner, subject to 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, Vadipatti, 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



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the learned Judicial Magistrate, Vadipatti, 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, Madurai District* as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Vadipatti shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Vadipatti. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Vadipatti;

(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



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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/-
04/08/2025

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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, Vadipatti.
 - 2 Do Through the Chief Judicial Magistrate, Madurai District.
 - 3 The Inspector of Police, Balamedu Police Station, Madurai District.
 - 4 The Officer Incharge, District Mineral Foundation Trust, Madurai District.
 - 5 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.SHARMA, Advocate (SR-8434[I] dated 05/08/2025)



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ORDER
IN

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Date :04/08/2025

NBF/SAR- /21/08/2025/ 6P/7C

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