



CRL OP(MD). No.13081 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.08.2025

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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Anwarraja @ Chinasamy

... Petitioner/ Accused No.1

Vs

State of Tamilnadu through
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.20 of 2025)

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Section 482 B.N.S.S.

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) BNS, 2023 and



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Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in

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Crime No.20 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 30.01.2025 at about 11.30 p.m., based on the secret information, the defacto complainant, the Village Administrative Officer along with the police, reached V.Ramasampuram, Ethinamalai and found that the accused persons were illegally excavating *sand* using a JCB bearing TN-58-AT-6204 in a patta land belonging to one Dharma and transporting it in a tractor bearing Registration No.TN-55-AJ-5747. On seeing the police, the accused persons fled away from the scene of occurrence after unloading the sand into the nearby river, leaving the said vehicles into the forest. Hence, the case.

3. No doubt, the petitioner's earlier petitions for anticipatory bail in Crl.O.P. (MD)Nos.2728 and 4282 of 2025 were dismissed by this Court vide orders dated 13.02.2025 and 17.03.2025. Even after the dismissal of the earlier petitions, the respondent police has not taken any steps to secure the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution and that the petitioner is no way connected with the case, a false case has been lodged as against the petitioner. He would further submit that the petitioner is ready and willing to abide any conditions which may be imposed by this Hon'ble



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Court. Hence, he seeks anticipatory bail to the petitioner.

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5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there are totally 3 accused, the petitioner arrayed as A1 and that the petitioner and the other accused were illegally excavating sand using a JCB. He would further submit that the accused 2 and 3 were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.2728 of 2025 vide order dated 13.02.2025 and that the petitioner is having 17 previous cases. However, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, and also considering the fact that the accused 2 and 3 were granted anticipatory bail by this Court and taking note of the fact that most of the investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate, Peraiur, Madurai 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 of the respondent Police or to the Police Officer,



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who intends to arrest or to the satisfaction of the District Munsif cum Judicial
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Magistrate, Peraiur, Madurai and on further conditions that:

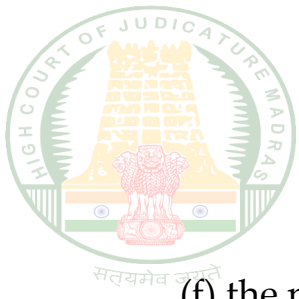
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five 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 District Munsif cum Judicial Magistrate, Peraiur, Madurai, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and contact number to the learned District Munsif cum Judicial Magistrate, Peraiur, Madurai. In the event of any change in his residential address, the petitioner shall report the same to the learned District Munsif cum Judicial Magistrate, Peraiur, Madurai;

(d) the petitioner shall stay at Tirunelveli and he shall appear and sign before the Inspector of Police, Palayamkottai Police Station, Tirunelveli daily two times at 10.00 a.m. and 05.00 p.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 thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
07/08/2025

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

csm
TO

- 1 The District Munsif Cum Judicial Magistrate, Peraiur, Madurai.
- 2 The Inspector of Police, Saptur Police Station, Madurai District.
- 3 The Officer Incharge, District Mineral Foundation Trust, Madurai District.
- 4 The Inspector of Police, Palayamkottai Police Station, Tirunelveli.
- 5 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.MAHESWARAN, Advocate (SR-8607[I] dated 08/08/2025)

ORDER
IN

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Date :07/08/2025

NBF/02/09/2025/ 6P/7C

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