



CRL OP(MD). No.12936 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12936 of 2025

Shanmugadurai,
S/o.Pounraj.

:Petitioner / A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
(Crime No.33 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Bharath,K.
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.33 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent



CRL OP(MD). No.12936 of 2025

WEB COPY

police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Sections 4 (1)(1A) and 21(5) of the Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.33 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.07.2025, based on secret information, the de-facto complainant, who is the Village Administrative Officer of Soudarpatty, made a surprise visit to the area of S. Meenatchipuram, west of a river canal, where she found that the accused persons were illegally excavating river sand using a JCB and two tipper lorries. Upon seeing the de-facto complainant, the accused fled away from the spot. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent person, and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that A5, A6, A8 and A9 were 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 31.07.2025 in Crl.M.P.Nos.4281 and 4280 of 2025, respectively. A3, A4 & A7 were also granted anticipatory bail by this Court in Crl.OP(MD)No.12339 of 2025, dated 01.08.2025. 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 petitioners.



CRL OP(MD). No.12936 of 2025

WEB COPY

4. The learned Government Advocate (Criminal Side) submitted that there are totally ten accused persons in this case and the petitioner has been arrayed as A2. He further submitted that A5, A6, A8 and A9 were 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 31.07.2025 in Crl.M.P.Nos.4281 and 4280 of 2025, respectively. The entire properties have been recovered. However, 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 also taking note of the fact that four of the co-accused were arrested and subsequently released on bail and A3, A4 & A7 were also granted anticipatory bail by this Court in Crl.OP(MD)No.12339 of 2025, dated 01.08.2025, and that the entire properties have already been recovered, and that as the date of occurrence is 16.07.2025, by this time most of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioners, 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 District Munsif cum Judicial



CRL OP(MD). No.12936 of 2025

Magistrate, Periyur 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 the police officer who intends to arrest or to the satisfaction of the learned District Munsif cum Judicial Magistrate, Periyur, 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, Madurai District*** as Non-refundable deposit and on such deposit being made, the learned District Munsif cum Judicial Magistrate, Periyur shall accept the sureties furnished by the petitioner;

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

(d) the petitioner shall report before the respondent police daily at 10.30 a.m.

until further orders;



CRL OP(MD). No.12936 of 2025

WEB COPY

(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 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;

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

sd/-
05/08/2025

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

das
TO

- 1 The District Munsif Cum Judicial Magistrate, Periyur.
- 2 The Inspector of Police, Nagaiahpuram Police Station, Madurai District.
- 3 The Officer Incharge, District Mineral Foundation Trust, Madurai District.



CRL OP(MD). No.12936 of 2025

WEB COPY

4 The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.BHARATH, Advocate (SR-8420[I] dated 05/08/2025)

ORDER

IN

CRL OP(MD) No.12936 of 2025

Date :05/08/2025

NBF/SAR- /25/08/2025/ 6P/6C

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