



CRL OP(MD). No.13179 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.13179 of 2025

Kumarasepandi,
S/o.Kulanthaivel

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.134 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.S.Prabha,
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.134 of 2025 on the file of the Respondent Police.



CRL OP(MD). No.13179 of 2025

ORDER: The Court made the following order :-

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The petitioner/Accused, 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 (4) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.134 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 river sand using a tipper lorry bearing Registration no.TN-51-L-2992. Hence, the present case.

3. The learned counsel 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 for the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is the sole accused in this case. There are three previous cases registered against the petitioner. He further submitted that the entire properties have been recovered. However, he opposed to grant anticipatory bail to the petitioner.



CRL OP(MD). No.13179 of 2025

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 also taking note of the fact that the entire properties have already been recovered, and that as the date of occurrence is 20.07.2025, by this time most 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, Aundipatti, Theni District, 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 Judicial Magistrate, Aundipatti, Theni 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 impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



CRL OP(MD). No.13179 of 2025

WEB COPY

(b) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) each to the credit of the District Mineral Foundation Trust, Theni District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Aundipatti, Theni 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, Aundipatti, Theni District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Aundipatti, Theni 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 learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



CRL OP(MD). No.13179 of 2025

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and;

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

sd/-
11/08/2025

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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,
Aundipatti, Theni District.

2 The Inspector of Police,
Rajathani Police Station,
Theni District.

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

Copy to
The Officer Incharge,
District Mineral Foundation Trust,
Theni District.



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CRL OP(MD). No.13179 of 2025

ORDER
IN
CRL OP(MD) No.13179 of 2025
Date :11/08/2025

AS/29.08.2025/6P/5C

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