



CRL OP(MD). No.21318 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1. Kannan
2. Dharmar

... Petitioners/Accused

Vs

State of Tamilnadu
Rep by the Sub Inspector of Police,
Gandamanur Police Station,
Theni District.
(Crime No.233 of 2025)

... Respondent/Complainant

For Petitioners : Mr.N.Palaniyandi
Advocate.

For Respondent : M/s.M.Aasha
Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.233 of 2025 on the file of the respondent Police.

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ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, which corresponding under Section 379 of IPC r/w under Section 21(4) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.233 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that each of the petitioner had illegally transported 1/4 unit of river sand by using bullock cart, without any permission from the concerned authorities. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) submitted that there are one previous case pending against the 1st petitioner and two previous cases pending against the 2nd petitioner and the property has been recovered. However, she vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners, with other conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Aundipatty, Theni District, on condition that each of the petitioner shall execute a separate 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 District



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Munsif cum Judicial Magistrate, Aundipatty, Theni District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners 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 petitioners shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of The Head Master, Government Higher Secondary School, Odaipatty, Theni District, in SBI Account No.11268003539, IFSC No.SBIN0000764, State Bank of India, South Car Street, Uthamapalayam, Theni District. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under " Namakku Name" Scheme, without prejudice to their contentions and rights before the trial Court, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.



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(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

(S S Y J)
25.11.2025

msrm



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To

1. The learned District Munsif cum Judicial Magistrate,
Aundipatty, Theni District.
2. The Sub Inspector of Police,
Gandamanur Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Headmaster
Government Higher Secondary School,
Odaipatty, Theni District.



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S.SRIMATHY,J

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ORDER
IN
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