



CRL OP(MD). No.22728 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.12.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Balamurugan

... Petitioner/Accused

Vs

State of Tamilnadu

Rep by the Inspector of Police,

Odaipatti Police Station,

Theni District.

(Crime No.459 of 2025)

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar
Advocate.

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.459 of 2025 on the file of the respondent Police.



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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 Sections 303(2) of BNS Act and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.459 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had excavated the gravel sand on their own property without getting any permission from the concerned authorities. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there is one previous case pending against the petitioner and the property



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has been recovered. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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 petitioner, with other 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 Judicial Magistrate, Uthamapalayam, 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 the Judicial Magistrate, Uthamapalayam, 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;



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(b) the petitioner shall make a non refundable deposit of Rs.2,000/- (Rupees Two Thousand only) to the credit of the Headmaster, Masathiyar Cor. Higher Secondary School, Vaikkolkara Theru, Chinnakadai Veethi, South Gate, Madurai, Central Bank of India, South Gate Branch, Account No.P.T.A.FUND SB. 1833321714, IFSC No.CBIN0281503, MICR Code: 625016004, without prejudice to his contentions and rights before the trial Court, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

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

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

(e) the petitioner 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 petitioner in accordance with law as if the



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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;

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

(S S Y J)
11.12.2025

msrm

To

1. The Judicial Magistrate,
Uthamapalayam.
2. The Inspector of Police,
Odaipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Headmaster
Masathiyar Cor. Higher Secondary School,
Vaikkolkara Theru,
Chinnakadai Veethi, South Gate,
Madurai.



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S.SRIMATHY,J

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ORDER
IN
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