



CRL OP(MD). No.23548 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/12/2025

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Kalishwaran @ Kali,

... Petitioner

Vs.

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Swamimalai Police Station,
Thanjavur District
(Crime No. 509 of 2025).

... Respondent

PRAYER :- For Anticipatory Bail in Crime No. 509 of 2025 on the file of the respondent police.

For Petitioner : M/s.Gurumoorthy.S.,
Advocate.

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS r/w. Section 21(4) of the Mines and Minerals (Development & Regulation Act), in Crime No.509 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner had transported seven bags of river sand illegally by using vehicle, without any permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged occurrence as stated by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that the entire property has been recovered and the investigation is almost completed and there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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



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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 No.II, Kumbakonam, 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 No.II, Kumbakonam, 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 make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Headmaster, Panchayat Union Middle School, LKB Nagar, Sakkimangalam, Madurai in State Bank of India, Sakkimangalam Branch, Account No.0733053000000794 IFSC No.SIBL0000733, MICR Code: 625059008, without prejudice to his contentions and rights before the trial Court,



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for purchasing 30 sets of Bench Desk for the Tribal students under "Namakku Naame" Scheme and on such deposit being made, the learned Judicial Magistrate No.II, Kumbakonam, 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 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;



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

18.12.2025

LS

TO

1. The Judicial Magistrate No.II,
Kumbakonam
- 2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

LS

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