



CRL OP(MD). No.23942 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26.12.2025

PRESENT

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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1. Thayappan,  
S/o.Narayanan

2. Arunkannan,  
S/o.Kadarkarai,

3. Kumar,  
S/o.Kaliappan

... Petitioners

Vs

State of TamilNadu  
rep. by  
The Inspector of Police,  
M.Pudupatti Police Station,  
Virudhunagar District.  
(In Crime No.244 of 2025)

... Respondent

For Petitioner : Mr.S.Babu

For Respondent : Mr.A.S.Abul Kalaam Azad  
Government Advocate(Crl.side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of  
BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.244 of 2025  
on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2, 4 & 6, who  
apprehend arrest at the hands of the respondent  
police for the offences punishable under sections  
303(2) of BNS, 2023 r/w.Section 21(1) of Mines  
and Minerals(Development & Regulation) Act, 1957  
in Cr.No.244 of 2025 on the file of the  
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in  
order to prevent the illegal mining, the  
respondent police on 19.12.2025 had conducted  
surprise checkup, at that time, they found that  
the petitioners and other accused



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persons were illegally excavated the river sand by using JCB and tipper lorry bearing registration No.TN 76 K 5019 and TN 95 P 2846. The quantity of river sand is three units. The respondent police seized the vehicle and the river sand and registered a case. Hence, the case.

3. The learned Counsel for the petitioners would submit that the petitioners did not involved in any such illegal activities. The petitioners are falsely implicated in this case. The petitioners are innocents persons and they have been falsely implicated in this case. However, he submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners are willing to deposit some amount to the Chairman/District Collector, District Mineral Foundation Trust, Virudhunagar District. He



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therefore prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners were illegally transported 3 unit of river sand without having any valid license or permit. There are no previous cases pending against the petitioners. However, he prays to dismiss this Criminal Original Petition.

5. Considering the nature of the allegations and considering the fact that the entire properties were seized by the respondent police, there is no previous case against the petitioners. This court is inclined to grant anticipatory bail to the petitioners with certain conditions:



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6. Accordingly, the petitioners are ordered to be released on anticipatory 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 Judicial Magistrate No.II, Sivakasi, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Magistrate concerned, 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.



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[b] As per the undertaking given by the petitioners, they shall make a non-refundable deposit of **Rs.3000/- (Rupees Three Thousand only)** each to the credit of the **Chairman/District Collector, District Mineral Foundation Trust of the concerned District**, without prejudice to their defence before the trial Court and produce the acknowledgment at the time of executing bond;

[c] the petitioners shall report before the respondent Police daily at 10.30a.m. until further orders.

[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 petitioner 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

(M J R J)  
26.12.2025

gvn

TO

1.The Judicial Magistrate No.II,  
Sivakasi.

2. The Inspector of Police,  
M.Pudupatti Police Station,  
Virudhunagar District.

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



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M. JOTHIRAMAN, J

GVN

ORDER  
IN  
CRL.OP (MD) .No.23942 of 2025

Dated : 26.12.2025