



CRL OP(MD). No.5177 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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1.Bharathi
2.Pasubathi

... Petitioners / A1 and A2

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.30 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.30 of 2026 on the file of the respondent police or on their appearance.

For Petitioners : Mr.D.Balamurugapandi

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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The petitioners/accused, who apprehend arrest at the hands of the respondent police in Crime No.30 of 2026 for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of the Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, seek anticipatory bail.

2. The case of the prosecution is that on 23.02.2026 at about 01.00 p.m., based on secret information, the respondent police proceeded to the place of occurrence and found that the accused persons had illegally excavated and transported one unit of savudu sand in a trailer bearing Registration No.TN-65-H-9759 without any valid permit. Hence, the case has been registered against the accused persons for the aforesaid offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioners. Hence, he prayed for the



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grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners have no previous cases. He further submitted that the petitioners had committed in the illegal transportation of minerals. Hence, he objected to the grant of anticipatory bail to the petitioners.

5. This Court heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances of the case, and also considering the fact that the petitioners have no previous antecedents, and also taking note of the quantity of minerals involved in this case, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance,



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within a period of fifteen days from the date on which the order made ready, before the learned Judicial Magistrate Court, Rameshwaram, on condition that the petitioners shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 are directed to pay a sum of Rs. 7,500/- (Rupees Seven Thousand and Five Hundred only) each, as non-refundable, to the credit of Account No:-42588794148, State Bank of India, Ottapidaram Branch, IFSC Code:-SBIN0016318, without prejudice to their rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 15 days and thereafter, as and when required for interrogation;



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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 thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

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- 1.The Judicial Magistrate Court,
Rameshwaram.
- 2.The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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