



CRL OP(MD). No.5701 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1.Silambarasan
2.Prabhavathi

... Petitioners / A2 & A4

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.41 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, praying to grant anticipatory bail to the petitioners in Crime No.41 of 2026 on the file of the respondent police.

For Petitioners : Mr.N.Adithyavijayalayan
for Mr.D.Venkatesh

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 for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, in Crime No.41 of 2026 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 13.03.2026 at about 05.00 a.m., based on secret information, the defacto complainant along with the respondent police proceeded to the place of occurrence and found that the accused persons had illegally excavated and transported ½ unit of savudu sand through a JCB bearing Registration No.TN-57-CX-7845 and a tipper lorry bearing Registration No.TN-74-P-6990 without any valid permit. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are law-



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abiding citizens and are ready and willing to furnish substantial sureties and to abide by any conditions that may be imposed by this Court. Accordingly, he prayed to grant anticipatory bail to the petitioners.

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 are the owners of the vehicle and that the co-accused has already been arrested and released on bail. However, 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. Considering the rival submissions made on either side, the nature of the offence, and taking into account the quantity of minerals involved in this case, and also considering the fact that the co-accused has already been released on bail, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



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7. Accordingly, this petition is allowed and 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 made ready, before the learned Judicial Magistrate, Thiruvadanai, 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 shall report before the respondent police on every Saturday at 10.00 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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(d) the petitioners shall not leave India without the prior

permission of the Court;

(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]***.

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

8. Though the learned counsel for the petitioners sought permission to furnish common sureties, it is for the concerned Magistrate to consider the same at the time of execution of sureties.

23.03.2026

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To

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



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P.DHANABAL,J.

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ORDER
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