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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

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THE HON'BLE DR. JUSTICE P. MURUGAN

CRL OP(MD) No. 24200 of 2026

CNR:{HCMD011532782026}

Saravanan
S/o.Maruthupandi

..Petitioner(s)

Vs

State of Tamilnadu
Rep. By the Inspector of Police,
Sipcot Police Station,
Sivagangai District.
(Crime No.241 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest or surrender in Crime No.241 of 2026 on the file of the Respondent police.

For Petitioner(s): Mr. M. Thanabalan,
Advocate

For Respondent(s): Mr. I. Murugesan,
Counsel for State of TN
(Criminal Side)

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections

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303(2) and 326(a) of BNS, 2023, read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.241 of 2026, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 03.10.2026, the accused attempted to transport river sand illegally from a river situated in Survey No. 14 of Valuthani Village, using a tractor and a JCB. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. Hence, he seeks anticipatory bail for the petitioner.

4. The learned Counsel for the State of Tamil Nadu (Criminal Side), appearing for the respondent police, would submit that the petitioner has been arrayed as A4 in this case. He would further submit that seven previous cases have been registered against the petitioner and that the petitioner is a history-sheeter who has been enlarged on bail in all those cases. He would also submit that A1 to A3 have already been enlarged on bail by the Sessions Court,

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Sivagangai. However, he would oppose the grant of anticipatory bail to the petitioner.

5. Considering the overall facts and circumstances of the case, and also taking note of the fact that the co-accused have already been enlarged on bail by the Court below, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, Sivagangai District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b] on execution of the surety, the accused is directed to appear before the learned Judicial Magistrate, Manamadurai, Sivagangai District, for 15 working days at 10.30 am. Thereafter, the

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accused shall appear before the said Court on every Wednesday at 10.30 am for a period of 10 weeks;

[c] in the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

[d] in the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and commit him to custody**;**

[e] if the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

[f] if the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating Officer has to issue summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

[g] on compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;

[h] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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[i] the petitioner shall not abscond either during investigation or trial;

[j] 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 is 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]**.

23-10-2026

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To

1. The Judicial Magistrate,
   Manamadurai, Sivagangai District.

2. The Inspector of Police,
   Sipcot Police Station,
   Sivagangai District.

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

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DR. P. MURUGAN, J.

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