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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE DR.JUSTICE P.MURUGAN

CRL OP(MD) No. 24248 of 2026

CNR:{HCMD011533062026}

1. Anbarasan
   S/o. Seviyar alias savier

2. Soundarapandiyan
   S/o. Ganapathi

3. Jayapratha
   W/o. Anbarasan

..Petitioner(s)

Vs

The State of Tamilnadu
Rep. by the Inspector of Police,
Pulithipatty Police Station,
Sivagangai District.
(Crime No.73 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of their arrest in Crime No.73 of 2026 on the file of the respondent police.

For Petitioner(s): Mr. R.J. Karthick,
Advocate

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

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O R D E R

The petitioners/A1, A3, & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 303(2), and 351(2) of BNS, 2023, read with Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.73 of 2026, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant purchased a land comprised in Survey No.138/2, situated at Piranpatti Village, Singampunari Taluk, Sivagangai District. The de-facto complainant was engaged in selling coconuts harvested from the coconut grove situated on the aforesaid land. While so, on 17.10.2026, at about 1.30 p.m., the de-facto complainant received information that sand theft was taking place on his patta land. Hence, the de-facto complainant instructed his friend, one Chandrakumar, to visit the patta land and verify the information. Upon seeing a tipper lorry and a JCB excavator removing sand from the patta land, Chandrakumar shouted at the persons operating the vehicles. Consequently, the tipper lorry and the JCB excavator

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attempted to leave the place. When Chandrakumar attempted to stop them, the first accused and his wife threatened him with dire consequences. Upon visiting the place, the de-facto complainant came to know that approximately 100 units of sand had been removed from his patta land. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have not committed any offense as alleged by the prosecution. They have been falsely implicated in this case. However, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount that may be imposed by this Court.

4. The learned counsel for the State of Tamil Nadu (Criminal Side), appearing for the respondent police, would submit that there are four accused persons in this case and that the petitioners have been arrayed as A1, A3 and A4. He would further submit that, as per the investigation, 30 units of red soil were removed from the de-facto complainant's land for the purpose of temple construction and that the petitioners were working as loadmen, transporting the red soil from the de-facto complainant's land to the temple. He would also submit that A2, who is the owner

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of the vehicles used to transport the red soil from the de-facto complainant's patta land to the temple, was arrested and remanded to judicial custody on 18.10.2026. He would further submit that no previous cases have been registered against A1 and A4, whereas one previous case has been registered against A3. However, he would oppose the grant of anticipatory bail to the petitioners.

5. Considering the overall facts and circumstances of the case, the nature of the charges levelled against the petitioners, and the fact that the petitioners are ready to deposit a sum of money without prejudice to their rights, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.8,000/- (Rupees Eight Thousand only) each** to the credit of the Crime No.73 of 2026 on the file of the respondent police, before the learned Judicial Magistrate, Singampunari, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners and learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them

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periodically until the final order / judgment is passed in the case in Crime No.73 of 2026. The Trial Court shall decide the entitlement to the deposit amount at the time of passing the final order or judgment;

7. On production of such receipt/ acknowledgment, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Singampunari, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b] on execution of the surety, the accused are directed to appear before the learned Judicial Magistrate, Singampunari, for 15 working days at 10.30 am. Thereafter, the 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 are unable to appear before the said Court, the counsel for the accused may file accused absence

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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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

[i] the petitioners 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 petitioners in accordance with law as if the conditions have been

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imposed and the petitioners are 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,
   Singampunari

2. The Inspector of Police,
   Pulithipatty 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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