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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. 24244 of 2026

CNR:{HCMD011533292026}

1. Thangapandi
   S/o. Arumugam

2. Ponnupandi
   S/o. Arumugam

..Petitioner(s)

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.383 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, to enlarge the petitioner on the bail in event of their arrest or surrender in Crime No.383 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)

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O R D E R

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023, read with Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.383 of 2026, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons attempted to illegally transport one unit of gravel sand from patta land in Survey No.775, situated in Sembanor Group Village, using a lorry and a JCB. 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 State of TN (Criminal Side) appearing for the respondent police would reiterate the case of the prosecution and submit that there are totally two accused persons in this case. He would further submit that there are no previous cases

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registered against the petitioners. However, he opposed the grant of anticipatory bail to the petitioners.

5. Considering the overall facts and circumstances of the case, and taking into consideration the fact that there are no previous cases registered against the petitioners, and also 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.2,500/- (Rupees Two Thousand and Five Hundred only) each** to the credit of the District Mineral Foundation Trust, Sivagangai District, without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Elayankudi, Sivagangai District.

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, Elayankudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees**

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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, Elayankudi, Sivagangai District, 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 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

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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 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]**.

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To

1. The Judicial Magistrate Court,
   Elayankudi, Sivagangai District.

2. The Inspector of Police,
   Elayangudi 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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