

(2026) 07 MAD CK 0209
In the Madras High Court, Madurai Bench
Case No : CRL OP(MD)No.15289 of 2026

Balamurugan and another

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 24-07-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483

Bharatiya Nyaya Sanhita, 2023 — Section 303(2)

Mines and Minerals (Development and Regulation) Act, 1957 — Section 21(4)

Citation : (2026) 07 MAD CK 0209

Hon'ble Judges : K. Rajasekar, J.

Bench : Single Bench

Advocate : For Petitioners: Mr.P.Thanga Prithvi Rajan, Advocate; For Respondent: Mr.N.Balasubramanian, Counsel for State of TN (Crl. Side)

Final Decision : Partially allowed

Judgement

The petitioners / Accused, who were arrested and remanded to judicial custody on 14.07.2026, for the offences punishable under Section 303(2) of BNS r/w. 21(4) of MMDR Act, in Crime No.144 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on secret information the defacto complainant went to the spot and intercepted the petitioners, who illegally transported the sand using two tipper lorries. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution. The petitioners are in custody from 14.07.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the first petitioner has one previous case and the second

petitioner has two previous cases, similar in nature. Investigation is still pending. The properties were recovered. He opposed the grant of bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the bad antecedents of the second petitioner this Court is not inclined to grant bail to him.

7. Considering the facts and circumstances of the case, considering the nature of offence, the first petitioner has one previous case and also considering the period of incarceration, I am inclined to grant bail to the first petitioner subject to certain conditions.

[a] Accordingly, the first petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti, and on further conditions that:

[b] the first petitioner shall report before the learned Judicial Magistrate, Aundipatti, at 10.30 a.m., on all working days for a period of three weeks, thereafter as and when required for interrogation;

[c] the first petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the first petitioner 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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 51730]***.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

8. This Criminal Original Petition stands dismissed in respect of the second petitioner.