

(2026) 02 MAD CK 1745

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 3081 Of 2026

G.Ponnar And Others

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 13-02-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 269, 303(2)

Indian Penal Code, 1860 — Section 379

Mines And Minerals (Development And Regulation) Act, 1957 — Section 21(1)

Citation : (2026) 02 MAD CK 1745

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : V.Vishnu, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioners, who were arrested and remanded to judicial custody on 06.02.2026 for the offences punishable under Section 303(2) of BNS, 2023, (Corresponding offence 379 of IPC), and Section 21(1) of Mines and Minerals (Development & Regulation), Act, 1957, in Crime No.56 of 2026 on the file of the respondent police, seek bail.
2. The case of the prosecution is that the petitioners were illegally transported one unit of river sand. Hence, the complaint.
3. The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 06.02.2026. Hence, he seeks bail to the petitioner.
4. The learned Additional Public Prosecutor submitted that the petitioners have no previous cases. However, he opposed for grant of bail to the petitioners.
5. Taking into consideration of the facts and circumstances of the case and also

considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on executing 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 Judicial Magistrate, Musiri, 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] the petitioner is directed to make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Head Master, Corporation Sethupathi Pandithurai Higher Secondary School, Railway Colony, Madurai, in SBI Account No.30033864969, IFSC No.SBIN0008167; CIF No:85019457624; State Bank of India, Karimedu (Madurai) Branch, 44, REX Centre, Gnanaolipuram, Madurai District. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under 'Namakku Naame' Scheme. On such deposit being made, the learned Magistrate shall accept the sureties furnished by the petitioners;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[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 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].

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