
(2025) 12 MAD CK 1856

In the Madras High Court, Madurai Bench

Case No : Criminal Miscellaneous Petition (MD) No. 22159 Of 2025

Sivanath And Others

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision : 03-12-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 269, 303(2)
Mines And Minerals (Development And Regulation) Act, 1957 — Section 21(1)

Citation : (2025) 12 MAD CK 1856

Hon'ble Judges : L. Victoria Gowri, J

Bench : Single Bench

Advocate : E.Angayarkanni, A.S.Abul Kalaam Azad

Judgement

L. Victoria Gowri, J

1. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, 2023 and 21(1) of MMDR Act, in Crime No.448 of 2025 on the file of the respondent police, seek anticipatory bail.
2. The case of the prosecution is that the petitioners illegally transported 11 units of sand without any permission. Hence, the complaint.
3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are in no way connected with the alleged occurrence as stated by the prosecution. He further submitted that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he seek anticipatory bail to the petitioners.
4. The learned Government Advocate (Crl. side) submitted that the petitioners excavated the sand from the defacto complainant's land and if anticipatory bail is granted, they will commit similar offences. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also considering the quantity of sand, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Nagercoil, on condition that each of the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Nagercoil, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) The petitioners shall pay a sum of Rs.5,000/-(Rupees five thousand only) each to Sidha Center attached to Madurai Bench of Madras High Court, Madurai, (A/c No.6865578213, Indian Bank, Madurai Bench of Madras High Court, Madurai.) as non-refundable deposit.

(b) 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 Aadhar card or Bank pass Book to ensure their identity;

(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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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] and;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.