

(2025) 12 MAD CK 1156

Madras HC

Case No: Criminal Original Petition (MD) No. 24009 Of 2025

R Boopathi

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

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**Date of Decision:** Dec. 26, 2025**Acts Referred:**

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

**Hon'ble Judges:** M.Jothiraman, J**Bench:** Single Bench**Advocate:** S. Bharathi, .A.S.Abul Kalam Azad

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**Judgement**

M. Jothiraman, J

1. The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 303(2) BNS & Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.374 of 2025 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.12.2025, based on a secret information, the respondent police went for a search near Anakarai River bed, where they found that three units of river sand was illegally taken away from the spot. Hence, the present case came to be registered.

3. The learned Counsel for the petitioner would submit that the petitioner did not involved in any of the offences as alleged by the prosecution. The petitioner is an innocent and he is falsely implicated in this case. The petitioner is willing to deposit a sum of Rs.3,000/- towards District Mineral Foundation Trust, Thanjavur. He therefore prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally three units of river sand was illegally taken away by the

accused persons. There is one previous case pending against the petitioner, which is not similar in nature. However, he prays to dismiss this Criminal Original Petition.

5. Considering the nature of the allegations and considering the fact that there is one previous case pending against the petitioner, which is not similar in nature and also considering the quantity of river sand allegedly excavated and transported by the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Thiruvidadimarudhur, Thanjavur District, on condition that the petitioner shall execute a 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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.

[b] As per undertaking given by the petitioner, he shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of the District Mineral Foundation Trust, Thanjavur District as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Thiruvidadimarudhur, Thanjavur District, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent Police daily at 10.30a.m. until further orders.

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

[e] the petitioner 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.