



*Crl.O.P.No. 30911 of 2024*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.12.2024**

**CORAM :**

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P.No. 30911 of 2024**

1.R. Suthanthirapandiyan  
2.N.Anandhakumar

... Petitioners

**Versus**

The State,  
Represented by  
The Inspector of Police  
Sulur Police Station  
Tiruppur District  
[In Crime No. 890 of 2024]

...Respondent

**Prayer :** Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of his arrest in Crime No. 890 of 2024 by the respondent police pending investigation and grant anticipatory bail.

For Petitioners : Mr.Bharanidharan S.

For Respondent : Mr.S.Santhosh  
Government Advocate  
(Criminal Side)

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*Crl.O.P.No. 30911 of 2024*

## **ORDER**

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, Act, 2023, and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No. 890 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had transported 6 units of gravel sand by using Ashok Leyland Taurus lorry bearing Registration No. TN-42-AL-5179 without any valid licence from the Government. Hence the Complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. He would further submit that they have no previous case against them and without prejudice to their contentions, the petitioners are prepared to deposit an amount of Rs.10,000/- (A1) and Rs.15,000/- (A2) towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioners.



*Crl.O.P.No. 30911 of 2024*

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the quantity of river sand involved is units. He would further submit that the petitioners have no previous case pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.In respect of grant or refusal of anticipatory bail to the persons indulging in illegal sand mining, smuggling and theft of sand and minerals, the Apex Court in ***S.Mohamed Shahul Hameed Vs. State rep. by the Inspector of Police (Special Leave to Appeal (Crl.) No.6029 of 2020 dated 11.12.2020***), while expressing disagreement with the sweep observation made by this Court on the aspect of continuous misuse of discretionary power by the offenders and the enforcers as well in an organised manner, has clarified that in consideration of anticipatory bail, the role assigned to a



*Crl.O.P.No. 30911 of 2024*

person would have to be considered.

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7.Taking into consideration the facts and circumstances of the case and the sand involved is small quantity and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of **Rs.10,000/- for A1 (Rupees Ten Thousand only) and Rs.15,000/- for A2 (Rupees Fifteen Thousand only) to the credit of District Legal Services Authority, Tiruppur District**, without prejudice to their rights and contentions before the trial Court.

8.It is made clear that merely because the petitioners are depositing the amount, it would not amount to the petitioners admitting their guilt in the criminal case and such amount is being paid without prejudice to the



*Crl.O.P.No. 30911 of 2024*

rights of the petitioners.

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9. Accordingly, the petitioners shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Tiruppur District**, and on such deposit and on receipt of proof of payment, 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 **Judicial Magistrate, Sulur, Coimbatore District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 Aadhar card or



*Crl.O.P.No. 30911 of 2024*

Bank pass Book to ensure their identity;

**[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.**

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

**12.12.2024**

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*Crl.O.P.No. 30911 of 2024*

**A.D.JAGADISH CHANDIRA, J.**

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Crl.O.P.No. 30911 of 2024

12.12.2024