



WEB COPY



Crl.O.P.No.31677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31677 of 2024

1. Elamaran
2. Vignesh
3. Sathish

Petitioners

Vs

State Rep. by
The Inspector Of Police
Koothanallur Police Station,
Thiruvarur District.
(Crime No. 341 of 2024)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 341 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.Yuvaraj

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl. Side)



WEB COPY



CrI.O.P.No.31677 of 2024

ORDER

Apprehending arrest in connection with Crime No.341 of 2024 registered for the offences punishable under Sections 326 and 303(2) of The Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 the present petition has been filed by the petitioners seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners is innocent persons and they have been falsely implicated in this case. He also submits that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of **Rs.5,000/- each** to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.



WEB COPY



CrI.O.P.No.31677 of 2024

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that on 19.11.2024, based on a secret information about sand theft in a river near Koraiyaru, Therku Padagai Maddha Kovil, the respondent police along with their team went there and found a Ashok Leyland lorry bearing Regn. No.TN-59 AC 6375 transporting 1 unit of river sand illegally and seized the said vehicle. He further submits that the petitioners are arrayed as A1 to A3 in this case. He would submit that one previous case pending against the 1st petitioner/A1, two previous cases pending against the 2nd petitioner/A2 and 13 previous cases registered under the Prohibition Act pending against the 3rd petitioner/A3.

4. Learned counsel for petitioners, in reply would submit that none of previous cases are registered under the Mines and Minerals (Development and Regulation) Act.

5. Considering the voluntary submission made by the learned counsel



Crl.O.P.No.31677 of 2024

for the petitioners, each of the petitioners are directed to deposit a sum of

Rs.5,000/- each, totally a sum of Rs.15,000/- (Rupees fifteen thousand only)

to the credit of the "**District Legal Services Authority, Thiruvavarur Dt.**"

without prejudice to the right of defence before the Trial Court and making it

clear that it would not amount to admission of guilt.

6. Further, having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Mannargudi on condition that the petitioners shall execute 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 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:



WEB COPY



CrI.O.P.No.31677 of 2024

[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 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.

19.12.2024

rpp



WEB COPY



CrI.O.P.No.31677 of 2024

To

1. Judicial Magistrate No.II,
Mannargudi.
2. The Inspector Of Police
Koothanallur Town Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.31677 of 2024

A.D.JAGADISH CHANDRA, J.

rpp

Crl.O.P.No. 31677 of 2024



WEB COPY



Crl.O.P.No.31677 of 2024

19.12.2024