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Crl.O.P.No.32685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.No.32685 of 2024

1.Natarajan
2.Mukeshkumar.N ... Petitioners

Versus

State Rep by
The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
(Crime No.274 of 2024) ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.274 of 2024 on the file of the respondent.

For Petitioners : Mr.T.Muruganantham
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 21(1) of Mines & Minerals (Development Regulation) Act, 1957 and 303(2) of BNS Act in Crime No.274 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of 10 bags of sand in a bullock cart. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.3,000/-, 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



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imposed by this court. Hence, he prays for grant of anticipatory bail.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners was found in illegal transportation of 10 bags of sand in a bullock cart. He further submitted that the petitioners have no previous cases pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the



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offence, the petitioners have no previous cases, pending against them, and considering the fact that the petitioners without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. Accordingly, this Criminal Original Petition stands allowed and the petitioners are ordered to be released on anticipatory 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 District Munsif cum Judicial Magistrate, Ariyalur** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each, with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall make a non-refundable deposit of **Rs. 3,000/- (Rupees three Thousand only)** to the credit of **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.



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(b) the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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L.VICTORIA GOWRI, J.

rna/drl

To

- 1.The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
- 2.The Public Prosecutor,
High Court, Madras.

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