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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 667 of 2025

LAKSHMANAN
S/o.Sekar, No.183, Mettu Street, PaiyurVillage, Arni Taluk, Tiruvannamalai District.

Petitioner(s)

Vs

The State Rep by its, The Inspector of Police,
ArniTaluk Police Station, Tiruvannamalai District.
(Crime No. 962 of 2024)

Respondent(s)

For Petitioner(s):
Mr.E.Sathiyaraj Elangovan

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

ORDER

Apprehending arrest in connection with Crime No.962 of 2024 registered for the offences punishable under Sections 303(2) and 326 (a) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He

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would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of **Rs.20,000/-** as non-refundable deposit to any welfare scheme of the Government or any organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

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 31.12.2024, at about 02.30 p.m., when the Assistant Director, Geology Department of Tiruvannamalai, conducted a vehicle check up at Arni-Vellore Road in Sevur, at that time, the petitioner was illegally transporting 5 units of gravel sand in a tipper lorry. He would further submit that the petitioner has one previous case.

4. 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

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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 person would have to be considered.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** as non refundable deposit to **"The District Legal Services Authority, Tiruvannamalai"** 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 petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of **"The District Legal Services Authority, Tiruvannamalai"**, without prejudice to his rights and contentions before the

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trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Arni, Tiruvannamalai District,** on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 said Magistrate, on further condition that:

[a] 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 petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] On breach of any of the aforesaid conditions, the

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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 petitioner 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 of BNS.

dsn **20.01.2025**

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A.D.JAGADISH CHANDIRA, J.

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