



Crl.O.P.No.909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.909 of 2025

A.Mani

... Petitioner/Accused-1

Vs

The State rep. by:-
The Inspector of Police,
Rural Police Station,
Attur Taluk,
Salem District.
[Crime No.393 of 2024]

... Respondent/Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S. Act, praying to grant anticipatory bail to the petitioner in Crime No.393 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.Varatharajan Sundramoorthi
For Respondent : Mr.S.Balaji,
Government Advocate
[Criminal Side]

ORDER

The petitioner / Accused-1, who apprehends arrest in the hands of the respondent police for the offence punishable under Section 21(1) of the Mines and



CrI.O.P.No.909 of 2025

Minerals (Development and Regulation) Act, 1957, in connection with the case in Crime No.393 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1, along with other accused, illegally transported black stones through two Ashok Leyland lorries bearing Registration Nos.TN 28 AW 6779 and TN 74 L 3655. Hence the case.

3. The learned counsel for the petitioner/A1 would contend that the petitioner/A1 is an innocent person; that he has been implicated in this case only based on the confession statement of the drivers; that there are no previous cases against the petitioner; and that in any case, the custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. The learned Government Advocate (Criminal Side), for the respondent police, reiterated the prosecution case and, on instructions, submitted that the seized stones are worth about Rs.50,000/- (Rupees Fifty Thousand only). He opposed the grant of anticipatory bail to the petitioner.



Crl.O.P.No.909 of 2025

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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- as a non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for the grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) as a non-refundable deposit to "**District Legal Services Authority, Salem,**" without prejudice to his rights and contentions before the trial Court. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



CrI.O.P.No.909 of 2025

8. Considering the nature of contraband, the nature of allegations against the petitioner, and the fact that there is no previous case pending against the petitioner, and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**District Legal Services Authority, Salem**" without prejudice to his rights and contentions before the trial Court and 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 No.I, Attur** 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 conditions that:



CrI.O.P.No.909 of 2025

WEB COPY

[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] the petitioner shall report before the respondent police everyday 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

06.02.2025

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SUNDER MOHAN. J.,



CrI.O.P.No.909 of 2025

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To

- 1.The Judicial Magistrate No.I, Attur
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Rural Police Station, Attur Taluk, Salem District.

CRL O.P. No.909 of 2025

06.02.2025