



CRL OP NO. 1542 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1542 of 2025

G Venkadesan

S/o. Gopalsamy , No.48, 4th Main Road, Venkateswara Nagar,
Ramapuram Chennai-600 089 and another

Petitioner(s)

Vs

The State rep by Inspector of Police

T-13 Chitalapakkam Police Station In Crime No.6/2025

Respondent(s)

For Petitioner(s):

A Kumanaraja

P.Kalaimani

P.Gowri

T.Kannathasan

For Respondent(s):

S.Santhosh

Government Advocate (criminal Side)

Madras High Court.

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(ii) of BNS 2023 and 21(4) of Mines and Minerals (Development Regulation) Act 1957, on the file of the respondent police, seek anticipatory bail.



2. Learned counsel for the petitioners would submit that the petitioners are innocent

have been falsely implicated in this case. He further submitted that the petitioners have not

committed any offence as alleged by the prosecution and without prejudice to their

contention, the petitioners are prepared to deposit an amount of Rs.5,000/- towards any

charitable organization or association. Therefore, he prays for grant of anticipatory bail to the

petitioners.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl.Side)

vehemently opposed for grant of anticipatory bail to the petitioners is that the petitioners have

been involved in illegal transportation of 1-1/2 unit of river sand in their vehicle, without

valid permit or license. He also submitted that the petitioners have no previous case.

4. Heard the learned counsel for the petitioners and the learned Government Advocate

(Crl.side) for the respondent and perused the materials available on record.

5. 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



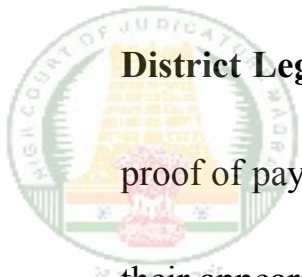
by this Court on the aspect of continuous misuse of discretionary power by the and the enforcers as well in an organised manner, has clarified that in consideration of anticipatory bail, the role assigned to a person would have to be considered.

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6. Taking into consideration the facts and circumstances of the case and the quantity of river sand involved in this case, 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.5,000/- (Rupees Five Thousand only) jointly to the credit of District Legal Services Authority, Chennai District, without prejudice to their rights and contentions before the trial Court.

7. It is made clear that merely because the petitioners is 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 right of the petitioners.

8. Accordingly, the petitioners shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousands only) jointly** by way of Demand Draft/RTGS/NEFT to the credit of the



District Legal Services Authority, Chennai District, and on such deposit and t 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

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ready, before the **Judicial Magistrate -II, Tambaram** 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 conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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];**

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

24-01-2025



msv
To
Inspector of Police
T-13 Chitalapakkam Police Station



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