



CRL OP NO. 1644 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. 1644 of 2025

V.Sudhakar

S/o.Venkatesan, No.8, Kaliyamman Patti, Pichanur, Gudiyatham
Taluk, Gudiyatham, Vellore District.

Petitioner(s)

Vs

The State Rep. By, Inspector Of Police
Gudiyatham Town Police Station, Vellore District. Crime No.518
Of 2024

Respondent(s)

For Petitioner(s):

K.Sathish Kumar
S.Gokul

For Respondent(s):

S.Santhosh
Government Advocate (criminal Side)
Madras High Court.

ORDER

The petitioner apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS 2023 r/w 21(1) Mines and Minerals (Development and Regulation) Act 1957 in Crime No.518 of 2024, on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner had not



committed any offence as alleged by the prosecution and without prejudice to their contention, the petitioner is 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 petitioner.

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 petitioner is that the petitioner was involved in illegal transportation of 3/4 units of river sand in his vehicle, without valid permit or license. He also submitted that the petitioner has no previous case.

4. Heard the learned counsel for the petitioner 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 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.



6. Taking into consideration the facts and circumstances of the case and the quantum of sand involved in this case, this Court is inclined to grant anticipatory bail to the petitioner.

However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioner 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 petitioner may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of District Legal Services Authority, Vellore District, without prejudice to their rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting their guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousands only) each** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Vellore District**, and on such deposit and on receipt of proof of payment, the petitioner is 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 ready, before the learned **Judicial Magistrate, Gudiyatham, Vellore District** 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

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which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

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

[c] the petitioner 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 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]**;

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

24-01-2025

msv

To
Inspector Of Police
Gudiyatham Town Police Station, Vellore District.