



CrI.O.P.No.1876 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.1876 of 2025

Ezhumalai @ Eanu
S/o. Ganeshan, No.39, Kamarajar Nagar, Pilappur,
Maiyur, Maduranthakam, Chengalpattu.

Petitioner(s)

Vs

The State Rep.By, The Sub Inspector Of Police,
Padalam Police Station, Chengalpttu District. (crime
No. 27 of 2025)

Respondent(s)

For Petitioner(s):

R.Parthiban
M. Shimiyan Edwin
P. Agnes Samantha Ophelie

For Respondent(s): S.Santhosh

Government Advocate (criminal Side)

ORDER

Apprehending arrest in connection with Crime No.27 of 2025 registered for the offences punishable under Sections 326(a), 305(e) of BNS Act read with Section 21(1) of Mines and Minerals Act, the present petition has been filed by the petitioner seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in

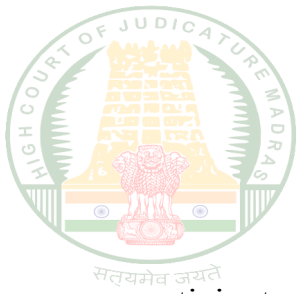


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the case, learned counsel for the petitioner seek indulgence of this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.2,000/- to any welfare scheme of the Government or any other organization and is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner along with other accused was found in illegal transportation of 6 bags or river sand. He would further submit that, apart from this case, petitioner has no 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 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



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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.2,000/- (Rupees Two Thousand only)** to the credit of the **"District Legal Services Authority, Chengalpattu"** 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 (Crl. 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 and accordingly, he 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Madhurandhagam** on condition that the petitioner shall execute separate 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



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dismissed and on further condition that:

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

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- 1.The Sub Inspector Of Police,
Padalam Police Station, Chengalpttu District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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