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CrI.O.P.No.2318 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2318 of 2025

1. Naveen Kumar

2. Praveen Kumar

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Kamanaickenpalayam Police Station, Tiruppur.
Crime No.33 of 2025.

Respondent(s)

For Petitioner(s): Kingsly Solomon J

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS r/w. Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.33 of 2025, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that, the defacto complainant is a Village Administrative Officer of Mallegoundenpalayam Village in Palladam lodged a complaint before the respondent police stating that, illegal mining activities were carried out in the land belongs to the petitioners herein. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution and they were not aware about any illegal mining activities carried out on their land; that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners, stating that the petitioners were involved in illegal mining activities in their land; that the petitioners have no previous cases; and that



the investigation is pending.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that the petitioners have no previous cases and since, custodial interrogation of the petitioners are not required in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 ready, before **the learned Judicial Magistrate, Palladam** on condition that the petitioners shall execute a 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 dismissed and on further condition that:

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[a] the petitioners 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 petitioners shall report before the respondent police on every Monday and Thursday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter abscond, a fresh FIR



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can be registered under Section 269 of B.N.S.

31.01.2025

stn

To

1. The State Rep by, The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur.
Crime No.33 of 2025.

SUNDER MOHAN, J.

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