



WEB COPY



Crl O.P.No.2467 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2467 of 2025

1.Vijay

2.Murugan Ramasami

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District
(Crime No.175/2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event
of their arrest in Crime No.175 of 2024 on the file of the respondent Police.

For Petitioners : Mr.S.Ganeshkumar

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 303(2) of BNS, 2023 and
under Section 21(1) of Mines and Minerals (Development & Regulation) Act,
1957, in Crime No.175 of 2024, seek anticipatory bail.



WEB COPY

2.The case of the prosecution is that on 19.12.2024, while the defacto complainant, assistant Geologist along with Revenue Inspector were conducting vehicle check up in order to prevent soil smuggling, the petitioners were illegally transporting 5 unit of M-sand in a vehicle bearing Registration No.TN 57 BA 0591 without any license. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and have been falsely implicated in this case and there are no previous cases against the petitioners; and that in any case, since the material has been seized, custodial interrogation of the petitioners are not required for the purpose of investigation. Therefore, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners were in illegal possession of 5 unit of M-sand and on seeing the patrol, escaped from the spot. Hence, he vehemently opposed to grant anticipatory bail.

5.At this juncture, the learned counsel for the petitioners submitted that the petitioners are prepared to donate/pay some considerable amount to any



charitable organization or association without prejudice to their defence and prayed for grant of anticipatory bail.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each as non refundable deposit to “**District Legal Services Authority, Kallakurichi District**”, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

8. Considering the nature allegations and the fact that the material has been seized by the respondents and custodial interrogation of the petitioners are not required for investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



9. Accordingly, petitioners are directed to make a non-refundable deposit of Rs.10,000/- each directly to the credit of “District State Legal Services Authority, Kallakurichi District”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 is made ready, before the ***Judicial Magistrate Court, Sankarapuram***, 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:

[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 daily at 10.00 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



Crl O.P.No.2467 of 2023

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 BNS.

03.02.2025

Index : Yes / No

Internet : Yes / No

dpa

To

1. The Judicial Magistrate Court
Sankarapuram.
2. The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District .
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl O.P.No.2467 of 2025

SUNDER MOHAN., J.

dpa

Crl.O.P. No. 2467 of 2025

03.02.2025