



Crl.O.P.No.2477 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.2477 of 2025

1.V.Muthuvel

2.D.Thirunavukarasu

3.P.Tamilselvan

4.R.Suresh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
(Crime No.586 of 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 his arrest in Crime No.586 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P.Rajavel Rajavel

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. r/w 21(1) of



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Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.586 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 25.11.2024, while the Village Administrative Officer (VAO), Bangaram Village was inspecting the Lake, he found that the petitioners, had illegally transported 4 unit River sand (1 unit each) in 4 Tractors with Tippers each, without a permit or license, and on seeing the VAO, the petitioners had abandoned the Tractors and the sand and ran away from the place. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; and that they have no previous cases; 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 have illegally transported 4 unit River sand (1 unit each) in 4 Tractors with Tippers from Lake without a permit or license which was found by the



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Village Administrative Officer (VAO). Hence, he vehemently opposed to grant anticipatory bail.

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

6.Considering the submission of the learned counsel for the petitioner that the sand has been seized; the nature of allegations and that custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 No.II, Kallakurichi, Kallakurichi District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who



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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 10.00 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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dpa



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To

1. The Judicial Magistrate No.II,
Kallakurichi, Kallakurichi District.
2. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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