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Crl.OP.No.2805 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2805 of 2025

1.Raja
2.Susindhar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Madhuravoyal Police Station,
Chennai City.
(Crime No.89/2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of their arrest in Crime No.89 of 2025 on the file of the respondent
Police.

For Petitioner : Mr.T.Dhasarathan

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 Section 303(2) and 21(1) of Mines



Crl.OP.No.2805 of 2025

and Minerals (Development & Regulation) Act of 1957 in Crime No.89 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be in illegal transportation of 5 ½ tonnes of ordinary Sand, without any permit. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that no previous case is pending as against the petitioners. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with arrested accused had involved in illegal transportation of 5 ½ tonnes of ordinary sand, without any permit. Hence, he opposed for grant of bail.



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

6. Considering the nature of allegations; the fact that the material has already been seized; and that custodial interrogation of the petitioners is not required for investigation, 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 is made ready, before the **Judicial Magistrate-II, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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:



Crl.OP.No.2805 of 2025

[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 10.30 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]**;

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

07.02.2025

Index : Yes / No
Internet : Yes / No
dpa



CrI.OP.No.2805 of 2025

To

WEB COPY

- 1.The Inspector of Police,
Madhuravoyal Police Station,
Chennai City.
- 2.The Judicial Magistrate-II, Poonamallee.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.OP.No.2805 of 2025

SUNDER MOHAN, J.

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Crl.O.P.No.2805 of 2025

07.02.2025