



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2781 of 2025

ARUMUGAM

S/o. Kasi, 2/127, Mettu Street, Vanur Taluk,
Terkunam, Kiliyanur, Villupuram.

Petitioner(s)

Vs

State represented by the Sub-Inspector of
Police,
Vanur Police Station, Villupuram District.

Respondent(s)

For Petitioner(s):

K. Nithyashree
V. Surender
V. Susithra

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.15 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner illegally transported rough stones in a vehicle, without any valid license. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He also submits that without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner illegally transported rough stones in a vehicle, without a valid license. He further submits that the petitioner is the driver of the vehilce. Hence, he opposes for the grant of anticipatory bail to the petitioner.

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.



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6. In respect of grant or refusal of anticipatory bail to the person 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 organized manner, has clarified that in consideration of anticipatory bail, the role assigned to a person would have to be considered.

7. Taking into consideration the facts and circumstances of the case and that custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner. However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Legal Services Authority, Villupuram District, without prejudice to his



rights and contentions before the trial Court.

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8.It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

9.Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Villupuram District**, and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Vanur**, 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 said Magistrate, on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.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 BNS.

05.02.2025

rpl

To

1.The Sub-Inspector of Police,
Vanur Police Station, Villupuram District.

2.The Public Prosecutor, High Court of Madras,
Chennai



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SUNDER MOHAN,J.

rpl

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