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Crl.O.P.No.3246 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3246 of 2025

1. Vijay
2. Theerathamalai
3. Sivaraj

Petitioner(s)

Vs

State represented by, The Inspector of Police,
Harur Police Station, Dharmapuri District (Crime
No.53 of 2025)

Respondent(s)

For Petitioner(s): J.Pradeep

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS 2023 r/w Sections 4(1), 4(1-A), 21(1) and 21(4) of MMDR Act (NP) in Crime No.53 of 2025, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution as per the defacto complainant, who is working as an Assistant Geologist in the Geology and Mines Department is that, on 20.01.2025, while the Special Revenue Inspector and Tahsildar, Harur went on inspection of Government barren lands in Keeraipatti Village, they found that the petitioners herein had illegally cut and smuggled granite stones worth about Rs.8,73,325/- in a vehicle from the Government barren lands in survey Nos.153/1B and 153/3. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the 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; that the petitioners, without prejudice to their contentions, is prepared to deposit an amount of Rs.10,000/- each towards any charitable organization or association; and 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



Crl.O.P.No.3246 of 202.

respondent police opposed for the grant of anticipatory bail to the petitioners, stating that the petitioners have involved in illegal mining and smuggling of granite stones from the Government barren lands worth about Rs.8,73,325/-; that the petitioners have no previous cases; and that the investigation is pending.

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 into consideration the facts and circumstances of the case, considering the nature of offence, the fact that the petitioners have no previous cases and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioners and also taking into consideration, the voluntary submission made by the petitioners 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.10,000/- (Rupees Ten Thousand only) each to the credit of District Legal Services Authority, Dharmapuri District, without prejudice to their rights

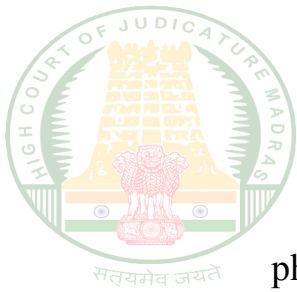


and contentions before the Trial Court.

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

8. Accordingly, the petitioners shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Dharmapuri District**, and on such deposit and on receipt of proof of payment, 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 Court, Harur*** on condition that the petitioners 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:



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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 everyday 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]**;

SUNDER MOHAN, J.

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



Crl.O.P.No.3246 of 2025

registered under Section 269 of BNS.

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10.02.2025

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To

1. State represented by, The Inspector of Police,
Harur Police Station,
Dharmapuri District
(Crime No.53 of 2025)

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