



CRL O.P. No.3660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. Ramachandran S/o. Samiyappan
2. Narayanasami S/o. Periyannan ... Petitioners /Accused No.1 & 2

Vs

State rep. by:-

The Inspector Of Police,
Kondalampatti Police Station,
Salem District. ... Respondent
[Cr. No.34 of 2025]

PRAYER:- The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in

Crime No.34 of 2025 on the file of the respondent police.

For Petitioners : Mr. Deepak Kumar C

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused No.1 & 2, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 303(2) of B.N.S. and Section 21(1) of Mines and Minerals (Development and Regulation) Act in connection with the case in Crime No.34 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that during a routine raid, the Special Revenue Inspector of Mines and Minerals Department, Salem District at Kollampatti Rountana, intercepted a Tipper Lorry bearing Registration No.TN54 T 7141 and found 6 units of excess red sand was carried by the petitioners in the said vehicle.

3. Learned counsel for the petitioners would contend that the petitioners are innocent persons and they have not committed any offence; that the materials and the vehicle were seized; and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that excess red sand, beyond the prescribed



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limit, was carried by the petitioners in a Tipper Lorry and admitted that properties were recovered.

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

6. Considering the nature of allegations, the fact that the properties were seized by the respondent police and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.V, Salem** on condition that the petitioner shall execute a separate bond each for a sum of **Rs.10,000/- (Rupees Ten**



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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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

13.02.2025

mjs

To

- 1.The Judicial Magistrate No.V, Salem.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Kondalampatti Police Station, Salem District.

SUNDER MOHAN. J.,

mjs



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