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Crl.O.P.No.4172 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.4172 of 2025

R.M.Sangeetha

...Petitioner / 2<sup>nd</sup> Accused

Vs.

The State Rep. By  
The Sub-Inspector of Police,  
Deevattipatti Police Station,  
Salem District.  
(Crime No.43 of 2025)

...Respondent/Complainant

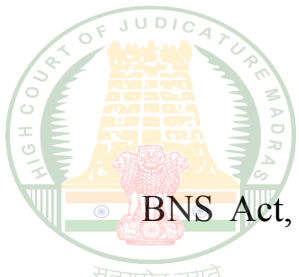
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in the event of  
her arrest in respect of Crime No.43 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.S.Balaji  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner/accused, who apprehends arrest at the hands of the  
respondent police for the offences punishable under Section 21(1) of the Mines  
and Minerals (Development and Regulation) Act, 1957, and Section 303(2) of the



BNS Act, 2023, in Crime No.43 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/A2, along with the other accused, were found to be in illegal possession of two units of red sand in a vehicle bearing Reg.No.TN 47 AJ 3045, without any permit. Hence, the case.

3. Learned counsel for the petitioner/A2 would submit that the petitioner is innocent and she has been falsely implicated in this case; that the petitioner is the owner of the vehicle; that no previous case is pending against the petitioner; that the contraband has been seized; that the co-accused/A1 was arrested and released on bail; and that the custodial interrogation of the petitioner is not required in this case and sought anticipatory bail for the petitioner.

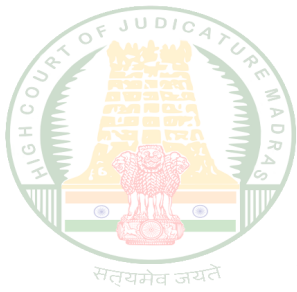
4. Learned Government Advocate (Criminal Side), appearing for the respondent police confirms the fact that the co-accused was arrested and released on bail and submitted that the contraband has been seized; and that no previous case is pending against the petitioner.



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 the allegations, the facts that the contraband was seized, no previous case is pending against the petitioner and the co-accused/A1 was arrested and released on bail and since the custodial interrogation of the petitioner/A2 is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Omalur**, 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] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders.**

[c] the petitioner shall not abscond either during investigation or trial;

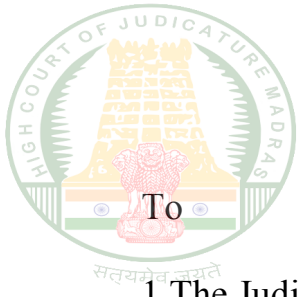
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 B.N.S.

18.02.2025

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- 1.The Judicial Magistrate,  
Omalur.
- 2.The Sub Inspector of Police,  
Deevattipatti Police Station,  
Salem District.
- 3.The Public Prosecutor, High Court of Madras.



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**SUNDER MOHAN,J.**  
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