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CrI.OP.No.5269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5269 of 2025

1.S.Raja
2.S.Kannan

Petitioners

Vs

State Rep By Inspector Of Police,
Tharamangalam Police Station,
Salem District (Crime No. 75/2025)

Respondent(s)

For Petitioners:

Mr.A.Saravanan

For Respondent : Mr.Leonard Arul joseph Selvam
Government Advocate (CrI.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(4) Mines and Minerals (Development & Regulation) Act, 1957 and Section 303(2) of BNS, 2023 in Crime No.75 of 2025, on the file of the respondent police, seeks anticipatory bail.



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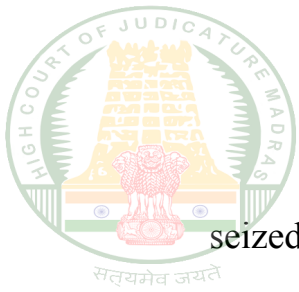
2. The case of the prosecution is that , based on secret information, the Revenue Inspector of the Mining Department, Salem along with their officers went for an inspection, during which they found that the 2nd petitioner was illegally transporting 3 units of Red soil in the first petitioner's vehicle bearing Registration No.TN 36 S 6451. Hence, the case.

3. Learned counsel for the petitioner would contend that the material objects have been 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), per contra, would submit that the petitioners has no previous case pending against them.

5. Heard the learned counsel for the petitioners 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 material objects were



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seized by the respondent police and since the custodial interrogation of the petitioners 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, Omalur**, on condition that each petitioner shall execute a separate 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:

[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.**



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[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 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

26.02.2025

drl

To

1. The Inspector Of Police,
Tharamangalam Police Station,
Salem District
2. The Public Prosecutor,



Madras High Court, Chennai.

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SUNDER MOHAN, J.

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