



Crl.OP.No.5215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5215 of 2025

1.Sivakumar

2.Subash

3.Palanisamy

4.Palanisamy

5.Saruvamalai

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.92 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.92 of 2025 on the file of the respondent Police.

For Petitioners : M/s.John Sathyan, Senior Counsel
for Mr.T.Dhasarathan

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS r/w Section 21(1) of Mines and Minerals (Development & Regulation Act) 1957 altered to Section 303(2), 61(2) of BNS r/w Section 21(1)(iv) of Mines and Minerals (Development & Regulation Act) 1957 and Section 3 of TNPPDL Act in Crime No.92 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the Village Administrative Officer of Vittamanayakkanpatti Village, lodged a complaint stating that she received a complaint from one Tr.Ponnusamy, alleging that the petitioners were illegally mining and taking stones from the land adjacent to his property; and that when the defacto complainant and her Assistant went to the spot and conducted inspection, they found that the petitioners were taking stones from poramboke land and illegally selling them without obtaining permission from the authorities.



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3. The learned Senior counsel appearing for the petitioners submitted that the petitioners have valid license to carryout mining activities and that the allegations of illegal mining is an afterthought; that the petitioners have taken stones worth Rs.97,01,584/- is false; that in any case the allegations are borne out by the records and hence, custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner. The learned Senior counsel further submitted that the Revenue Divisional Officer had passed an order dated 21.03.2025 directing the petitioners to pay a sum of Rs.97,01,584/- as compounding fee and that the petitioners now intend to file an appeal as the calculation made by the RDO is not correct.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, vehemently opposed the grant of anticipatory bail to the petitioners and submitted that the petitioners had systematically committed the offence and that custodial interrogation of the petitioners is necessary. He also confirmed the fact that the RDO had passed an order fixing compounding fee as Rs.97,01,584/-



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5. At this juncture, the learned Senior counsel for the petitioners would submit that the petitioners, without prejudice to their defence and contention, is ready and willing to deposit an amount of Rs.15,00,000/- to the credit of crime number. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts, the nature of allegations, the fact that the RDO has imposed a compounding fee, which is being challenged by the petitioners and the voluntary submission made by the petitioners, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, considering the voluntary submission, the petitioners are directed to make a non-refundable deposit of **Rs.15,00,000/- (Rupees fifteen Lakh only)** to the credit of **Crime No.92 of 2025** before the ***Judicial Magistrate-I, Namakkal***, without prejudice to the right of the



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defence before the Trial Court, on such deposit and production of proof, 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 is made ready, before the ***Learned Judicial Magistrate-I, namakkal,*** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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.

[b] the petitioners shall report before the respondent police daily 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



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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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2.The learned Judicial Magistrate-I
Namakkal.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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