



Crl.OP.No.5715 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5715 of 2025

P.K.Selvaraj

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District.
(Crime No.132/2024)

.. 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 his arrest in Crime No.132 of 2024 on the file of the respondent Police.

For Petitioner : Mr.D.Veerasekaran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 447 and 379 of IPC and
under Section 21(1) of Mines and Minerals (Development and Regulation)
Act, 1957 in Crime No.132 of 2024, seeks anticipatory bail.



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2. The case of the defacto complainant is that the petitioner, along with other accused, illegally trespassed onto the land belonging to the Temple and removed granite stones from the land without any licence, covering an area of 2012 sq. meters and depth of 25 meters, between the period from 05.03.2009 to 25.12.2021. It is further, alleged that the stones were taken by the other accused with the connivance of the petitioner, who is running a Granite Company. Hence, the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has a valid licence; and that the petitioner was quarrying on the poramboke land to the extent of 4.50 acres in S.Nos.411/1, 420/1 and 425/1B; that he had stopped quarrying since 2015; that the FIR was lodged in 2024 for the alleged occurrence that took place in 2009 and 2021; and that, in any case, the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing to grant of anticipatory bail to the petitioner,

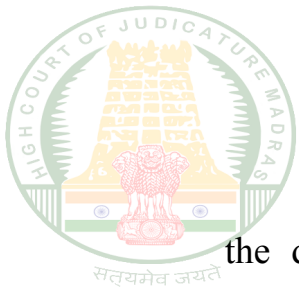


reiterated the prosecution case and on instructions submitted that the value of the granite stones taken by the petitioner and other accused is around 1.5 crores. He also fairly submitted that the alleged occurrence took place between 2009 and 2021, and the complaint was lodged in 2024.

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

6. Considering the nature of allegations, the fact that the occurrence took place between 2009 and 2021 this Court is of the view that, it is for the prosecution to establish the allegations in the manner known to law; and that the custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, 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 his appearance, within a period of fifteen days from



the date on which the order copy is made ready, before the **Judicial Magistrate, Poochampalli, Krishnagiri District**, 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 condition that:

[a] the petitioner 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.

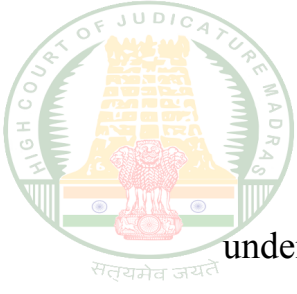
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioner 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 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



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under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District.
- 2.The Judicial Magistrate,
Poochampalli, Krishnagiri District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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