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Crl.OP.No.6993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.6993 of 2025

1. P.Sanmugam

2. G.Sasikumar

... Petitioner /Accused

Vs.

The State by Inspector of Police,
Jalakandapuram Police Station,
Salem District.

... Respondent/ Complainant

Crime No.44 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of their arrest by the respondent police in Crime No.44 of 2025 pending investigation on the file of the Inspector of Police, Jalakandapuram Police Station, Salem.

For petitioner : Mr.A.Saravanan

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

ORDER

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



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BNS, 2023, in Crime No.44 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that the petitioner had illegally transported 3 units of gravel sand in a Lorry.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents.

5. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the petitioner has no bad antecedents and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to



the petitioner with certain conditions.

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6. 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 learned **Judicial Magistrate-2, Mettur**, on condition that the petitioner 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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with



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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 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
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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- To
1. The State by Inspector of Police,
Jalakandapuram Police Station,
Salem District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Learned Judicial Magistrate-2, Mettur.



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SUNDER MOHAN, J.

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