



WEB COPY

Crl.O.P.No.9490 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9490 of 2025

1. C. Sakthivel
S/o. Chitaiyan

2.P. Velusamy
S/o. Palaniyappan

....Petitioners/Accused 1 & 2

Vs

State represented by
The Inspector of Police,
Thevoor Police Station,
Salem District.
Crime No.91 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.91 of 2025 on the file of the respondent police.

For Petitioners : Mr. A. Saravanan

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



ORDER

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(1) and 21(4) of the Mines & Minerals (Development & Regulation) Act, 1957 and 303(2) of B.N.S. 2023, in Crime No.91 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 20.03.2025, the petitioners were found illegally transporting 3 units of red soil in the vehicle bearing No.TN 45 AM 9500. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have not committed any offence; that a false case has been foisted against the petitioners and that the petitioners are ready to furnish solvent sureties and to abide by any conditions that may be imposed by this Court and sought for grant of anticipatory bail to the petitioners.



WEB COPY

Crl.O.P.No.9490 of 202॥



4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the the petitioners have no previous case and that the investigation is pending.

5. Considering, the nature of allegations against the petitioners, the fact that the petitioners have no previous case, and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Sankari**, on condition that each of 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 learned Magistrate concerned, failing which, the petition



for anticipatory bail shall stand dismissed and on further condition that:

WEB COPY

[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 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].



Crl.O.P.No.9490 of 2025

WEB COPY

[f] If the accused thereafter abscond, a fresh FIR

can be registered under Section 269 of B.N.S.

01.04.2025

bga

To

1. The Judicial Magistrate No.I, Sankari.
2. The Inspector of Police,
Thevoor Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.9490 of 2025

SUNDER MOHAN, J.

bga

Crl.O.P. No.9490 of 2025

01.04.2025