



CRL OP NO. 9760 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

WEB COPY

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**CRL OP NO. 9760 of 2025**

Nandakumar  
S/o. Appu Muthaliar, 13 586 PK Challa,  
Eduppukulam Post, Palakkad, Kerala

Petitioner(s)

Vs

The State Rep By The Inspector Of Police  
Kinathukadavu Police Station, Coimbatore District.  
Crime No 74/2025.

Respondent(s)

**For Petitioner(s):**

Mr.Sudhakar kannusamy  
K Muruganandham

**For Respondent(s):**

Mr.S.Balaji  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1) (1A), 21(1) of Mines and Minerals (Development and Regulation) Act 1957 read with Section 303(2) of BNS 2023 in Crime No.74 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused was found to be in possession of 25 Metric ton (odai karkal).



3. The learned counsel for the petitioner submitted that the contraband

have been seized and that the custodial interrogation is not required in this case

and hence prayed to grant anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the contraband was seized and that there is no previous case against the petitioner.

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

6. Considering the submissions made on either side; nature of allegation; that the contraband was seized; that the the petitioner has no 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 subject to the following conditions:



7. Accordingly, the petitioner is ordered to be released on bail in the event

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 No.1,***

WEB COPY

***Pollachi*** 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 conditions

that:

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

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

**[c] the petitioner shall not abscond either during investigation or trial.**

**[d] 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 is 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];****



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

WEB COPY

**02-04-2025**

To  
The Inspector Of Police  
Kinathukadavu Police Station, Coimbatore District.

msv