



WEB COPY



Crl.O.P.No.10026 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10026 of 2025

Krishnan

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.

(Crime No.232 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.232 of 2024 pending investigation on the file of the respondent police.

For Petitioner : M/s.Thulasi R

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



CrI.O.P.No.10026 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.232 of 2025 registered for the offence under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2. The case of the prosecution is that the petitioner had a quarry license and had quarried Granite in excess of the permitted limit and caused loss to the Government and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false; that he is the license holder and that even according to the prosecution, the license is valid from 02.12.2020 to 01.12.2040; that the allegations are borne out by records and in order to show his bonafides, the petitioner is ready and willing to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.232 of 2024 and sought for anticipatory bail.



WEB COPY

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that though the petitioner is a valid license holder, he had quarried granite in excess of the limit; that a show cause notice was issued by the District Collector, Krishnagiri on 03.08.2024. The learned Government Advocate also produced a copy of the letter written by the Assistant Director, Department of Geology and Mining, Krishnagiri dated 07.04.2024 furnishing the details of the action taken by the Department concerned.

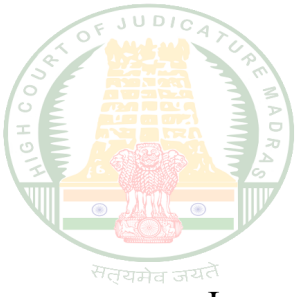
5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.This Court had carefully considered the rival submission. It is seen that the FIR does not contain a details of actual loss caused to the Government. A show cause notice, which was said to have been issued by the Collector, also does not contain the value of the excess granite quarried. In any case, this Court is of the view that the allegations against the



petitioner are borne out by records. Considering the aforesaid facts and the fact that the petitioner is willing to deposit a sum of Rs.20 lakhs (Rupees Twenty Lakhs only) to the credit of Cr.No. 232 of 2024 to show his bonafides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,00,000/- [Rupees Twenty Lakhs Only]** to the credit of Crime No.232 of 2024 before the trial Court **within a period of four weeks**, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 No.I, Krishnagiri***, 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 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, twice a week i.e., every Monday and Friday at 10.30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 petitioner 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 under Section 269 B.N.S.

28.04.2025

rkp



WEB COPY



Crl.O.P.No.10026 of 2025

SUNDER MOHAN, J.

rkp

Copy to:

- 1.The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
- 2.The Judicial Magistrate No.I, Krishnagiri.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10026 of 2025

28.04.2025