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Crl.O.P.No.10216 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10216 of 2025

1. Vijay @ Pandian
2. Sathish

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Katpadi Police Station,
Vellore District.
(Crime No.100 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.100 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. S. Thirugnanam

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326 of BNS, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.100 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the respondent police were on their routine patrol duty, they found the second petitioner/ Sathish along with A1/ Thamizharasan were involved in illegal transportation of 1 unit of river sand in a Ashok Leyland Dost vehicle, which belongs to the first petitioner herein; that on seeing the police, the second petitioner fled away from the spot; and that the respondent police arrested A1 and based on his confession, the petitioners were arrayed as accused in this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, based on the confession of the co-accused; that the



petitioners had never committed any offence as alleged by the prosecution; that the first petitioner is the owner and the second petitioner is the driver of the said vehicle respectively, which was involved in the aforesaid offence; that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/- each to any welfare scheme of the Government or any other organization; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners has previous bad antecedents of similar nature; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the

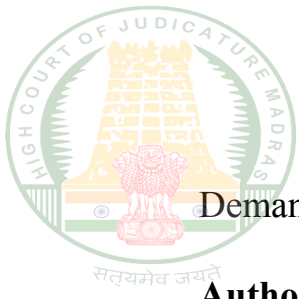


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learned counsels on either side, the fact that the petitioners are on bail in all the other cases and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners. However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of District Legal Services Authority, Vellore District, without prejudice to their rights and contentions before the Trial Court.

6. It is made clear that merely because the petitioners are depositing the amount, it would not amount to the petitioners admitting their guilt in the criminal case and such amount is being paid without prejudice to the rights of the petitioners.

7. Accordingly, the petitioners shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only) each** by way of



Demand Draft/RTGS/NEFT to the credit of the **District Legal Services**

Authority, Vellore District, and on such deposit and on receipt of proof of payment, 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, Katpadi, Vellore 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 conditions that:

[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 everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

07.04.2025

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To

1. The Judicial Magistrate, Katpadi, Vellore District.
2. The Inspector of Police,
Katpadi Police Station, Vellore District.
(Crime No.100 of 2025).
3. The Public Prosecutor,
High Court of Madras.



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