



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12320 of 2025

Venkatesan

Petitioner(s)

Vs

The State represented by,
The Station House Officer,
Deevattipatty Police Station, Salem District.
(Crime No.163 of 2025)

Respondent(s)

For Petitioner(s): Mr.P.Dasarathan

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

PRAYER

To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent Police in Crime No.163 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of BNS in Crime No.163 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the accused were illegally involved in sand theft using a tractor.

3. 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. Learned Government Advocate (Criminal 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. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the sand has been seized, the petitioner has no bad antecedents and since, custodial interrogation 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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7. 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 made ready, before the learned **Judicial Magistrate, Omalur**, on condition that 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:

[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 report before the respondent Police as and when required for interrogation;



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[c] the petitioner shall not tamper with 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 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 of B.N.S.

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24-04-2025

To

1. The Station House Officer,
Deevattipatty Police Station, Salem District.
2. The Judicial Magistrate, Omalur.

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