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Crl.O.P.No.12967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.12967 of 2025

1.P.Raja

2.R.Kishor

... Petitioners

-VS-

The State Represented by,
The Inspector of Police,
Poolampatti Police Station,
Salem District.
(Crime No.25 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the
event of their arrest by the respondent police in Crime No.25 of 2025 pending
investigation on the file of Inspector of Police, Poolampatti Police Station, Salem.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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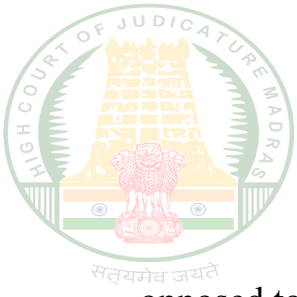
ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 21(1) Mines and Minerals (Development & Regulation) Act, 1957 and Section 303(2) of BNS Act, 2023, in Crime No.25 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the VAO of Pakkanadu Village, Salem along with other officers had gone for inspection near Poolampatti Valavu, the 2nd petitioner had illegally transported soil in the 1st petitioner vehicle bearing No. TN 32 H 5537 and two vehicles without soil bearing No. TN 37BP 2553, TN 22 CA 4745, the defacto complainant lodged the complaint against the petitioners. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners have illegally transported 4 units of gravel sand, without any valid permission from the competent authority and no previous case is pending against the petitioners. However, he vehemently



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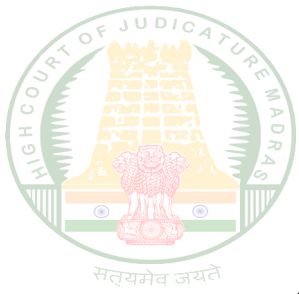
opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the *learned District Munsif cum Judicial Magistrate, Edappadi*, on condition that the petitioners 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 shall make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of **The Dean / Medical Officer, Government Stanley Medical College and Hospital, Chennai** bearing Account **No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC: SBIN0001476**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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(c) the sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

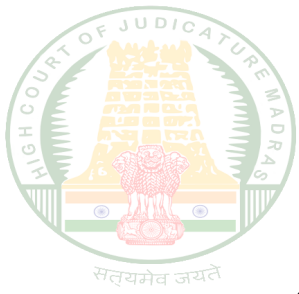
(d) the petitioners shall report before the learned District Munsif cum Judicial Magistrate, Edappadi daily at 10.30 a.m on every Monday to Friday at 10.30 a.m and appear before the respondent police on every Saturday and Sunday at 10.30 a.m until further orders;

(e) the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall make himself available for interrogation by the Police as and when required;

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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 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];



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(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The learned District Munsif cum Judicial Magistrate,
Edappadi.
- 2.The Inspector of Police,
Poolampatti Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR,J

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