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CRL OP No. 14526 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.No.14526 of 2025

1.Ganapathi
2.Shobanraj

... Petitioners

Versus

The State Rep by
The Sub-Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.
(Crime No.56 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, 2023,
to enlarge the petitioners on bail in the event of arrest by the respondent
police concerned in Crime No.56 of 2025 on the file of the Sub Inspector of
Police, Bhuvanagiri Police Station, Cuddalore District on such terms and
conditions.

For Petitioners : Mr.R.Parthiban
For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

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2. The case of the prosecution is that on 23.03.2025, the respondent police while conducting regular checking near the bans of Bhuvanagiri River, at the time the respondent police found the petitioners along with other accused of transporting illegal possession of 1 unit of river sand in a Tractor bearing Registration No.TN-49-AT-4296. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.20,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners illegally transported 1 unit of river sand without valid permission from the Government. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the offence, and considering the fact that the petitioners without prejudice their rights, on his own volition, are ready and willing to contribute some amount to any charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



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8. Accordingly, this Criminal Original Petition stands allowed and

the petitioners are ordered to be released on anticipatory 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 District Munsif cum Judicial Magistrate Court, Portonovo, Cuddalore District** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each, with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall make a non-refundable deposit of **Rs. 20,000/- (Rupees Twenty Thousand only)** to the credit of **Ray of Light Foundation, Account No: 50100078904233, HDFC Bank, Habibullah Road, T.Nagar, Chennai, IFSC Code: HDFC0001864**, 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) the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or



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trial.
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[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

08.05.2025

rna

Note to Registry:

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 Sub-Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The District Munsif cum Judicial Magistrate Court,
Portonovo, Cuddalore District.

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L.VICTORIA GOWRI, J.

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