



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14922 of 2025

1.Kumar

2.Arjunan

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Nangavalli Police Station,
Salem District.

(Crime No.132 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.132 of 2025 on the file of the respondent police.

For Petitioners : Mr.Saravanan A

For Respondent : Mr.V.Meganathan

Government Advocate(Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 303 (2) and 62 of BNS Act,
2023 and Section 21 (1) of Mines and Minerals (Development &
Regulation) Act, 1957 in Crime No.132 of 2025, seek anticipatory bail.



WEB COPY

2.The case of the prosecution is that the petitioners had committed theft and illegal transportation of Red soil. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent and the case has been falsely foisted against them by the respondent for statistical purposes. He further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the petitioners had involved in illegal transportation of red soil.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant



anticipatory bail to the petitioners with certain conditions and the petitioners are directed to make a non-refundable deposit of **Rs.5,000/- [Rupees Five Thousand Only]** each directly to the credit of “**Advocate Bar Association, Salem District**”, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Mettur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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 any one of identify proofs to ensure their identity;



WEB COPY



[c] the petitioners shall report before the respondent Police daily at 10.30 a.m until further orders;

[d] 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;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



16.05.2025

Index : Yes / No
Internet : Yes / No
rkp/ep

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.

M.NIRMAL KUMAR, J.



Crl.OP.No.14922 of 2



rkp/ep

To

- 1.The Inspector of Police,
Nangavalli Police Station,
Salem District.
- 2.The Judicial Magistrate,
Mettur.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.14922 of 2025

16.05.2025