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CRL OP No. 15329 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15329 of 2025

KRISHNAPPA

S/o.Balappa, Door No.470,
P.Singiripalli, Guruparapalli,
Mudukurukki Post, Berigai, Krishnagiri
District.

2. Venkatesh

S/o.Bethasiththappa, Door No.305,
Ramandoddi, Kukmbalam, Hosur
Taluk, Krishnagiri District.

Petitioner(s)

Vs

1. State Rep. by The Inspector of
Police,
Berigai Police Station, Krishnagiri
District. (Crime No.165/2025)

Respondent(s)

PRAYER

To enlarge the petitioners on bail in the event of their arrest in Crime No.165/2025 pending investigation on the file of the respondent



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For Petitioners: Mr. E Kannadasan

For Respondent: Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

The petitioners, apprehend arrest for the alleged offences under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, r/w Sections 21 (1) and 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.165 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners accused illegally transported two units of Norambu sand without any valid license or permit from the Government. Hence, the case is registered against the petitioners.

3. The learned counsel appearing for the petitioner submits that the petitioners are innocent persons 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 submitted that the petitioners accused illegally transported two units of Norambu sand without any valid license. He further submitted that there is no previous case pending against them. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. 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]** jointly to the credit of “**Advocate Bar Association, Krishnagiri 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 No.I, Hosur**, on condition that the petitioner shall execute a separate 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 said Magistrate, on further condition that:



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[a] 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., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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 of B.N.S.

15-05-2025

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To

1. The Inspector of Police,
Berigai Police Station,
Krishnagiri District.

2. The Judicial Magistrate No.I, Hosur.

3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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