



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15271 of 2025

1.Subramani
2.Moorthy

.. Petitioners

Vs.

The State
Rep. by the Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
(Crime No.130 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 their arrest in respect of Crime No.130 of 2025, on the file of the Inspector of Police, Kilpennathur Police Station, Thiruvannamalai District, pending investigation.

For Petitioners : M/s.C.Akila
for Mr.S.B.Viswanathan

For Respondent : Mr.R.Vinothraja
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) of the Bharatiya Nyaya Sanhita, 2023 read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.130 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported morambu sand using a JCB vehicle. Hence, the case.

3. Learned counsel appearing for the petitioner submits that in this case, other Accused A3 and A4 were granted Anticipatory Bail in Crl.O.P.No.14602 of 2025 dated 08.05.2025. The petitioners also got offence of a similar nature. The allegation projected against the petitioner is that the 1st petitioner's son was owning the JCP vehicle and the 2nd petitioner is a load man. He further submits that the petitioners are innocent and the case has been falsely foisted against them by the respondent for statistical purposes. He also 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



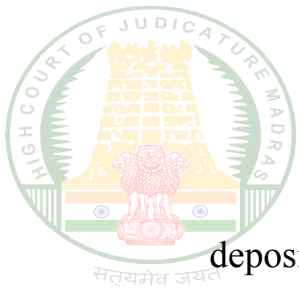
grant anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl.Side) submits that the 1st petitioner has criminal antecedents. The 1st petitioner is doing gravel business in the land of one Senthilkumar without obtaining any licence permission from the Government. By using JCP and Taurus vehicles, the 1st petitioner attempted to illegally transport the morambu sand. On seeing police, the petitioners escaped from the scene of occurrence. In this case, as regards A3 and A4, who were also granted Anticipatory Bail by this Court.

5. 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.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side,, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the 1st petitioner is directed to make a non-refundable deposit of **Rs.25,000/- [Rupees Twenty Five Thousand Only]** and the 2nd petitioner is directed to make a non-refundable deposit of **Rs.5,000/- [Rupees Five Thousand Only]** directly to the credit of “**Advocate Bar Association, Tiruvannamalai 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 Court, Polur, Tiruvannamalai District** 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



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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;

**[c] the petitioners shall report before the respondent
Police for a period of three weeks and thereafter as and
when required for interrogation;**

[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



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[(2005)AIR SCW 5560];

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

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To

- 1.The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.
- 2.The Judicial Magistrate,
Polur, Tiruvannamalai.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

M.NIRMAL KUMAR, J.



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