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Crl.O.P.No. 15423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRL. O.P.NO.15423 of 2025

1. Kundankumar
2. Lakshmegowda
3. Ashok Kumar
4. Santhosh Kumar

... Petitioners

Vs

The State Rep by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.172 of 2025)

...Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 172 of 2025 pending
on the file of the respondent police.

For petitioners : M/s.V.Sakkarapani

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS r/w 21(1) & 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.172 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners were found with 8 unit of 8 MM Jelly in two lorries without obtaining any permission.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. He would also submit that they have been falsely implicated in this case. However, on instructions, the learned counsel 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 (Crl. Side) appearing for



the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case.

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5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners.

6. Taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of The Dean, Rajiv Gandhi Government General Hospital, Chennai, without prejudice to his rights and contentions before the Trial Court.

6. Accordingly, the petitioners shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **The Dean, Rajiv Gandhi**



CrI.O.P.No. 15423 of 2025

Government General Hospital, Chennai, bearing A/c.

No.10273425961, State Bank of India, Park Town (Chennai), 68,

Evening Bazaar Road, Chennai, IFSC:SBIN0001856 and on such

deposit and on receipt of proof of payment, the petitioners are ordered to

be released on bail in the event of arrest or on his appearance, within a

period of fifteen days from the date on which the order copy made ready,

before the **learned Judicial Magistrate No.II, Hosur** on condition that

the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten

Thousand only) with two sureties 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

conditions that:

[a] the petitioners and 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., until further orders.

[c] the petitioners shall not tamper with



WEB COPY



CrI.O.P.No. 15423 of 2025

evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 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].

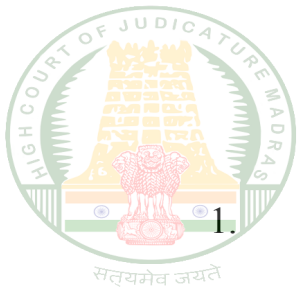
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.05.2025

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CrI.O.P.No. 15423 of 2025

1. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
2. Judicial Magistrate No.II, Hosur.
3. The Public Prosecutor,
Madras High Court.

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 official website of this Court will be watermarked and will also have a QR code.

N.SENTHILKUMAR, J.



WEB COPY



CrI.O.P.No. 15423 of 2025

nsI/stn

CRL. O.P. NO. 15423 of 2025

21.05.2025