

CrI.OP.No.15564 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CrI.O.P.No.15564 of 2025

1. MUTHURAJ
2. ELUMALAI

... Petitioners/A1 & A2

VS

The State Represented by,
The Sub Inspector of Police,
Peerankaranai Police Station,
Tambaram City
Cr.No.298 of 2025.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on Anticipatory bail in the event of his arrest in Cr.No.298 of 2025 on the file of respondent police.

For petitioners : Mr.V Manimaran
For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 303 of BNS-2023 (379 IPC) r/w Sections 21(1) of the Mines & Minerals (Development Regulation) Act, 1957



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in Crime No. 298 of 2025, seek anticipatory bail.

WEB COPY 2. The case of the prosecution is that the petitioners were found illegally transporting ordinary stones, without valid permit. 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 further submitted that the petitioners are the Driver and owner of the vehicle. He would further submit that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/-, 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 to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found in illegal transportation of ordinary stones, without any valid permission from the



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competent authority. He further submitted that the petitioners have no previous cases, pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to 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, the petitioners have no previous cases pending against them and considering the fact that the petitioners without prejudice to their rights, on their 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 petitioners, subject to certain conditions.



WEB COPY 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 Judicial Magistrate No.1, Tambaram** on condition that the petitioners 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners are directed to deposit a sum of **Rs.10,000/-** (Rupees Ten thousand only) jointly as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the **The Dean, Stanley Government Medical College and Hospital, Chennai, bearing A/c. No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC:SBIN0001476**, without prejudice to his defence before the trial Court and the concerned Magistrate/Judge, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[b] **the petitioners shall report before the**



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concerned Judicial Magistrate daily at 10.30 a.m., from Monday to Friday and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.

[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 trial.

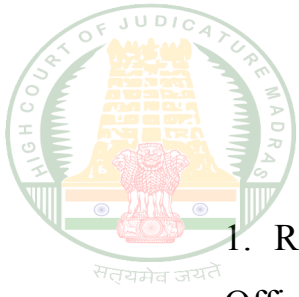
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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 B.N.S.2023.

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jai/gv

“Note:



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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.”



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N.SENTHILKUMAR,J

jai/gv

To:

- 1.The Judicial Magistrate No.1,
Tambaram.
- 2.The Sub Inspector of Police,
Peerankaranai Police Station,
Tambaram City
- 3.The Public Prosecutor,
High Court, Madras.

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