



Crl.O.P.No.16472 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.16472 of 2025

1.S.Sundar
2.M.Selvam

... Petitioners

Vs.

State rep. by
The Inspector of Police
Edapadi Police Station
Salem District
Crime No. 224 of 2025

... Respondent

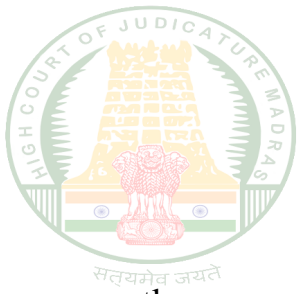
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.224 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.Saravanan.A

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 303(2) of BNS Act 2023 and Section 21(1) Mines & Minerals (Development & Regulation) Act 1957. in Crime No.224 of 2025, on the file of



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the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported three units of gravel sand in a Tipper Lorry without any permit or valid license. Hence the complaint.

3. The learned counsel appearing for the petitioners submits that the 1st petitioner is the owner of the vehicle and the 2nd petitioner is the driver of the vehicle. He further submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. 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 (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that there is no previous case pending against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

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



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6. Considering the facts and circumstances of the case that sand involved is Gravel sand and the property had been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 on which the order copy is made ready, before the **learned District Munsif cum Judicial Magistrate, Edapadi**, on condition that the petitioners shall execute a seaparate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 daily at 10.30 for a period of two weeks and thereafter



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as and when required for interrogation.

[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 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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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.

To

1. The District Munsif cum Judicial Magistrate,
Edapadi
2. The Inspector of Police
Edapadi Police Station
Salem District
3. The Public Prosecutor,
High Court of Madras.

G.K.ILANTHIRAIYAN, J.

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