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Crl.O.P. No.16977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.16977 of 2025

1. A. Selvakumar
2. M. Manivannan

... Petitioners/ Accused 1 & 2

Vs.

The State Rep. By,
The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.236 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.236 of 2025, on the file of the respondent police.

For Petitioners : M/s. A. Saravanan

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(1) of BNS Act, 2023 and Section 21(1) Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.236 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the Revenue Inspector, Konganapuram along with other officers were inspecting near Konamori Bus stop in Thangayur village, they found that the second petitioner herein was involved in illegal transportation of 4 units of rough stone in the first petitioner's vehicle bearing Registration No.TN-52-Q-7005; and that thereafter, they lodged the complaint before the respondent police. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they had never committed any offence as alleged by the prosecution;



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that the first petitioner is the owner and the second petitioner is the driver of the said vehicle. He further submitted that the petitioners, without prejudice to their rights, are ready to deposit a total sum of Rs.25,000/- (first petitioner – Rs.15,000/- and the second petitioner – Rs.10,000/-) to any welfare scheme of the Government or any other organization; and that the petitioners are ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners are owner and driver of the vehicle involved in the offence; that the petitioners have no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

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, the fact that the petitioners have no bad antecedents,



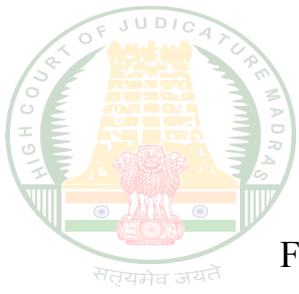
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the voluntary submission made by the learned counsel appearing for the petitioners regarding depositing a total sum of Rs.25,000/- to any welfare organization and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 made ready, before **the learned District Munsif Cum Judicial Magistrate, Edapadi** 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 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] 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 first petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousands only) (Non refundable) and the second petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousands only) (Non refundable) towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER EDUCATION AND RESEARCH, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Current Account No.471533180, IFSC Code No.IDIB000S180 and to produce the Bank Challan before the District Munsif Cum Judicial Magistrate, Edapadi and the receipt shall be produced at the time of executing the bond;

[d] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[e] 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;

[f] the petitioners shall make themselves available for



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interrogation by a Police office as and when required;

[g] 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, they shall comply to the directions as may be given by the Court in this regard;

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

[i] 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];

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

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To

1. The District Munsif Cum Judicial Magistrate,
Edapadi.
2. The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.236 of 2025)
3. The Public Prosecutor, High Court of Madras.



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M. NIRMAL KUMAR, J.

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