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CrI.O.P.No.18737 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14.07.2025**

CORAM:

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

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Dilipkumar

... Petitioner

Versus

State by  
Inspector of Police,  
Pathirvedu Police Station,  
Thiruvallur District.  
(Cr.No.91 of 2025)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.91 of 2025 on the file of respondent Police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (CrI. Side)

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**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2),



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326(a) of BNS, 2023 and Section 21(1) of Mines and Minerals Act, in Crime No.91 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that  $\frac{1}{2}$  unit of river sand was alleged to have been illegally transported in the petitioner's mini lorry bearing Regn.No.TN-37-BB-4945, without any license. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submits that the petitioner is ready to abide any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the quantity of river sand involved is  $\frac{1}{2}$  unit. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, the petitioner is 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 **District Munsif**

**cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust;s

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of two (2) weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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 [(2005)AIR SCW 5560];

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

**14.07.2025**

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To

- 1.The District Munsif cum Judicial Magistrate,  
Gummidipoondi.
- 2.The Inspector of Police,  
Pathirvedu Police Station,  
Thiruvallur District.
- 3.The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**

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