



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19068 of 2025

1.V.Karthik

2.V.Narasimman

.. Petitioners/A1 & A2

Vs.

The State Rep by,
The Inspector of Police,
Nangavalli Police Station,
Salem District.
(Crime No.166 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.166 of 2025 pending investigation on the file of the Inspector of Police, Nangavalli Police Station, Salem.

For Petitioners : Mr.A.Saravanan

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



ORDER

The petitioners were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 303(2) of BNS Act, 2023 in Crime No.166 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transported 3 units of red soil in the 2nd petitioner's vehicle. Hence the defacto complainant lodged the complaint against the petitioners.

3. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have not committed any offence, as alleged by the prosecution and has been falsely implicated in this case. He would further submit 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.

3. Learned Government Advocate (Crl.Side) appearing for the



respondent Police while opposing the grant of anticipatory bail to the petitioner reiterated the prosecution case.

WEB COPY

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 Judicial Magistrate No.I, Mettur**, on condition that the petitioners 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



WEB COPY



[a] if the petitioners fails 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 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 1st petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) and the 2nd petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) (Non refundable) to the credit of the Government Arignar Anna Memorial Cancer Hospital and Research Institute, Kancheepuram in Account No.015701000013540, Indian Overseas Bank, Kancheepuram Main, Kancheepuram - 631 501, IFSC Code: IOBA0000157, and to produce the Bank Challan before the concerned Magistrate and the receipt shall be produced at the time of executing the bond;

[d] the petitioners shall report before the respondent Police for a period of two weeks and thereafter, as and when required for further interrogation;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall



WEB COPY



not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall make himself available for 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, he 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];

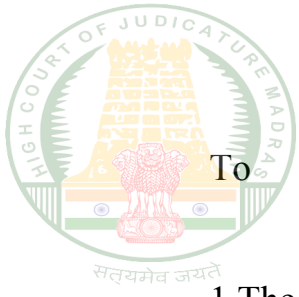
[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

cda

29.07.2025

M.NIRMAL KUMAR, J.

cda



Crl.O.P.No.19068 of 2



To

WEB COPY

- 1.The Judicial Magistrate No.I, Mettur.
- 2.The Inspector of Police,
Nangavalli Police Station,
Salem District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.19068 of 2025

29.07.2025