



WEB COPY



Crl.O.P.No.20830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20830 of 2025

Mothilal

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Perur Police Station,
Coimbatore District.
(Crime No.267 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
connection with Crime No.267 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.07.2025, for the offence punishable under Sections 303(2) of BNS
read with Section 21(1) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.267 of 2024, registered on the file of the
respondent, seeks bail.



Crl.O.P.No.20830 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused illegally dug and had taken red soil illegally from Karadimadai foot-hilss without obtaining any permission. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.20830 of 2025

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Judicial Magistrate No.I, Coimbatore** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **The petitioner shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) (Non refundable) towards the account of CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the Judicial Magistrate No.I, Coimbatore and the receipt shall be produced at the time of executing the bond;**

[c] **the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further**



WEB COPY



CrI.O.P.No.20830 of 2025

interrogation;

[d] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

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

[f] the petitioner 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

24.07.2025

sma



CrI.O.P.No.20830 of 2025

Note :

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.

To

- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
Perur Police Station,
Coimbatore District.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.20830 of 2025

M.NIRMAL KUMAR, J.

sma

Crl.O.P.No.20830 of 2025

24.07.2025