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Crl.O.P.No.21059 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21059 of 2025

1.C.Periyasami

2.A.Mouleeswari

... Petitioners

Vs.

The State Rep. By,
The Inspector of Police,
Poolampatti Police Station,
Salem District.
Crime No.176 of 2025

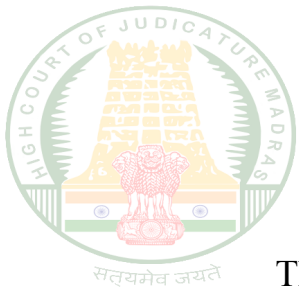
... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail to the petitioners in the event of their arrest in Crime No.176 of 2025, on the file of the respondent police.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER



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The petitioners were apprehending arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023, and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.176 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on receiving secret information, the de facto complainant conducted a sudden inspection and found that the petitioners were illegally excavated red sand by using the 2nd petitioner's JCB vehicle bearing registration No.TN 52 AD 3908. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side), appearing for the respondent police, reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsels on either side and perused the materials



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6. Considering the nature of the complaint, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit to the credit of Advocates Clerks Association, Salem**, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order before the learned **Judicial Magistrate, Edappadi**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, in which one surety must be a blood surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate, within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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;

[c] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks, and thereafter as and when required for interrogation;

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

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

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To

1.The Judicial Magistrate, Edappadi.

2.The Inspector of Police,
Poolampatti Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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