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Crl.O.P.No.23097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23097 of 2025

1.P.Rayin
2.Fabis

... Petitioners

Vs.

The State
Rep.by Inspector of Police,
Devala Police Station,
The Nilgiris District.
(Crime No.106 of 2025)

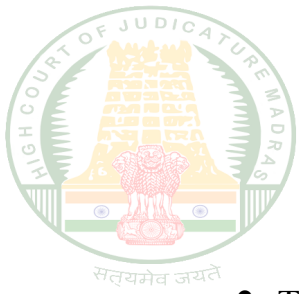
... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.106 of 2025 dated 05.08.2025 on the file of the respondent Inspector of Police, Devala Police Station.

For Petitioners : Mr.A.Nagarajan
For Mr.Meiyyappan Mohan
For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER

The petitioners have filed this petition seeking anticipatory bail in connection with Crime No.106 of 2025 registered by the respondent police on 05.08.2025.



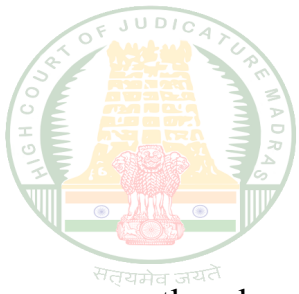
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2. The learned counsel for the petitioners submits that on 28.07.2025, the compound wall of the petitioner's industry collapsed, and in this connection, the respondent police registered a case for the offence under Section 336 of Cr.P.C. (equivalent to Section 125 of the B.N.S. Act) in Crime No.100 of 2025. Later, under the guise of inspecting the collapsed compound wall, the Tahsildar, along with his Assistant, visited the premises and thereafter lodged a complaint in Crime No.106 of 2025 alleging that the Manager and Watchman of the premises had resisted them from conducting the inspection.

3. The learned counsel for the petitioners further contends that the present case is politically motivated and registered at the instance of higher officials. He submits that the petitioners have been falsely implicated on allegations of preventing officials from discharging their lawful duty, violating provisions of the Mines and Minerals Act, and causing public nuisance, for which offences under Sections 292, 126(2), and 132 of the B.N.S.Act have been invoked.

4. It is the case of the prosecution that during the course of the petitioners industrial activity, namely blue metal quarrying, the petitioner had willfully obstructed Government officials from carrying out their duties by using JCBs and

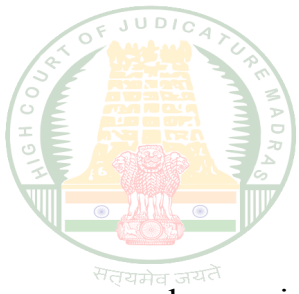


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other heavy machinery, thereby endangering the safety of neighbours in the vicinity. The complaint was registered on 05.08.2025 after a prima facie survey conducted by the Tahsildar.

5. The learned counsel for the petitioners submits that the petitioners have been carrying on the industry for the past 40 years without any disturbance to the public or environmental violations. He contends that only because of the compound wall collapse on 28.07.2025, certain third parties, under the influence of officials, have been instigating complaints. He further submits that the Plant has already been sealed by the respondent, as recorded by this Court in Crl.R.C.No.1346 of 2025 dated 08.08.2025.

6. The learned Government Advocate (Crl. Side), however, submits that though anticipatory bail had earlier been granted in connection with the collapse of the compound wall in Crime No.100 of 2025, subject to the condition that the petitioners should appear before the respondent police as and when required and co-operate with the investigation, the petitioners and his men prevented the revenue officials from conducting inspection on 05.08.2025. Hence, Crime No.106 of 2025 came to be registered. It is further submitted that the Watchman



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who resisted the inspection was arrested on 23.08.2025, whereas these petitioners, being the owners and Manager of the premises, were not present at the time of occurrence.

7. Upon consideration of the materials and the submissions made, this Court is of the view that the allegations disclose obstruction of public officials in the discharge of their lawful duties.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate, Pandalur**, on condition that the petitioners shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each on or before 10.09.2025** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition 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;



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[b] the petitioners shall report before the respondent police daily at 10.30a.m., until further orders and they shall co-operate with the investigation without causing any obstruction.

[c] 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]**;

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

26.08.2025

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To

1. The Judicial Magistrate, Pandalur
2. The Inspector of Police,
Devala Police Station,
The Nilgiris District.
3. The Public Prosecutor,
High Court of Madras.

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Dr.G.JAYACHANDRAN, J.

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