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CRL OP No. 23360 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

CRL OP No. 23360 of 2025

Kumar

...Petitioner

Vs.

The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.351 of 2025).

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to order the petitioner to be enlarged on
anticipatory bail in the event of his arrest in Crime No.351 of 2025 on the file of
the Inspector of Police, Deevattipatti Police Station, Salem District.

For Petitioner(s): Mr.P.Praveen

For Respondent(s): Mr.S.Udayakumar,
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of Mines and Minerals Act r/w Section 303(2) of BNS, in Crime No.351 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the Swaraj Mazda vehicle bearing Reg.No.TN 30 CV 0902 for intercepted and seized by the respondent police for transporting one unit of gravel sand. Since the mining and transport of the gravel sand without permit is punishable under Section 21(1) of Mines and Minerals Act as well as Section 303(2) of BNS. The petitioner herein apprehend arrest.

3. The learned Government Advocate appearing for the respondent police submitted that the vehicle has already been seized and confiscation proceedings has already been contemplated.



4. Heard the learned counsel on both sides and perused the materials available on record.

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5. Considering the nature of the case and the value of the gravel sand alleged to be illegally transported, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.351 of 2025 before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of 10 (ten) days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Omalur** 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 learned Magistrate



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concerned and on further condition that:

[a] If the petitioner fails to surrender before the concerned Magistrate, within a period of 10 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 [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 petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;

[d] 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];

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

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jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Omalur, Salem District.
2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN J.
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