



Crl.O.P.No.23684 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23684 of 2025

Sundaramoorthy

... Petitioner

Vs.

The State
Rep by its, the Inspector of Police,
Alandurai Police Station
Coimbatore District.
(Crime No.150 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.150 of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Myilsamy

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.150 of 2024**, on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner herein is arrayed as 10th accused for the alleged offence of removing 375 cubic metre of red sand from Survey No.735/2D Alandurai Village, owned by M/s.Simbiotic Energy Plantations Private Limited. The Revenue Divisional Officer has conducted enquiry about illegal mining of red sand in which, the petitioner herein had confessed that he has paid a sum of Rs.70,000/- to Subramaniam and one Selvaraj for excavating the red sand and he sold it to SR Group and the Revenue Divisional Officer has imposed a penalty of Rs.79,500/- in the proceedings dated 31.07.2025.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for granting anticipatory bail to the petitioner, reiterated the prosecution case.



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4. Heard the learned counsels and perused the materials available on record.

5. Considering the fact that the petitioner is the owner of the vehicle which was involved in illegal mining of the red sand from 18.08.2024 to 28.08.2024 which is worth about Rs.70,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **on or before 12.09.2025** before the learned **Judicial Magistrate No.5, Coimbatore**, 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 concerned and on further condition that:

[a] the petitioner shall deposit a sum of **Rs.70,000/- (Rupees Seventy Thousand Only)** to the credit of Crime No.150 of 2024 on the file of the Judicial Magistrate No.5, Coimbatore, on or before **12.09.2025**. **This deposit is independent of the penalty imposed on the petitioner herein in the RDO proceedings;**

[b] if the petitioner fails to surrender before the



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concerned Magistrate on or before 12.09.2025, this Order shall stand automatically cancelled;

[c] 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;

[d] the petitioner shall report before the respondent police as and when required;

[e] 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];**

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

28.08.2025

dna

To

1.The Judicial Magistrate No.5, Coimbatore.

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2.The Inspector of Police,
Alandurai Police Station
Coimbatore District.
(Crime No.150 of 2024)

3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.
dna

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