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Crl.O.P.No.29473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29473 of 2025

Dinesh

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
Crime No.363 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.363 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : Mr.S.Udayakumar,
Government Advocate (Criminal Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957,



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in Crime No.363 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.10.2025 while the respondent police were on their routine patrol duty near Chettipalayam Junction, they found that the petitioner was illegally transporting 3 units of gravel sand in a lorry bearing Registration No.TN-41-BA-3322 without any license. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner-cum-driver of the vehicle and has obtained valid permission from the Revenue Authority to transit mines and minerals. He further submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the anticipatory bail to the petitioner, reiterated the prosecution case and states that the petitioner has no previous cases,



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however the quantity of gravel sand involved in this case is 3 units; and that the investigation is pending.

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

6. Considering the submissions made by the learned counsels on either side and taking into fact that the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate Court, Madukkarai**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails 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



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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., for a period of three 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 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]**;

[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 District Munsif cum Judicial Magistrate Court,
Madukkarai.
- 2.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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