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CRL OP No. 36031 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 36031 of 2025

M. Seenivasan

Petitioner(s)

Vs

The State rep.by, The Inspector of
Police,
D-5, Karuppur Police Station, Salem
District. (Crime No. 395 of 2025).

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS to order enlarge the petitioner on Anticipatory bail in Crime No. 395/2025 pending investigation on the file of the Respondent.

For Petitioner(s): Mr.Dasarathan Palanisamy

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS Act, 2023 & Section 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.395 of 2025, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that on 18.12.2025, the Special Tahsildar, Mines and Geology and Mining Department, Salem, along with other officials, conducted a vehicle check-up at Omalur Circle, Pamban Karadu near Mariamman Temple and found that the petitioner along with other accused was found in illegal transportation of 16 ton of Magnesite by using Swaraj Mazda bearing Registration No.TN-07-BD-1861 worth about Rs.2645/-, without valid permission. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He submits that he has not committed any offence as alleged by the prosecution. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that the petitioner along with other accused had illegally transported 16 ton of magnesite by using Swaraj Mazda without any valid license from the competent authority and the petitioner is arrayed as A2. However, he opposed to grant anticipatory bail to the petitioner.



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record.

5. Heard the learned counsels and perused the materials available on

6. Considering the facts and circumstances of the case, submissions made by learned counsels on either side, the nature of offence, quantity and considering the fact that there is no previous cases pending against the petitioner, there is no possibility to transmit 16 tone in a swaraj mazda vehicle 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 fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Salem**, 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) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen 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 for a period of four 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.

30-12-2025

jai/grs
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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1. The Inspector of Police,
D-5, Karuppur Police Station, Salem
District.
2. The Judicial Magistrate No.II, Salem.
3. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL J.

jai/grs

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