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CRL OP No. 35



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35959 of 2025

1. V.Arumugam

2. A.Devaraj

Petitioner(s)

Vs

The State by Inspector of Police
Poolampatti Police Station, Salem District.
Crime No. 362/2025.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 362/2025 pending investigation on the file of Inspector of Police, Poolampatti Police Station, Salem.

For Petitioner(s): Mr.A.Saravanan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 303 (2) of BNS Act, 2023 in connection with the Cr.



No.362 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that on the date of alleged occurrence, the Assistant Geologist, Geology & Mining Department, Salem along with other officers had gone for inspection and at that time, they found the petitioners transporting 3 units of Red soil in petitioner's vehicle. Hence the case.

3. Learned counsel for the petitioners submitted that petitioners are innocent persons, and they have been falsely implicated by the respondent police and they are in no way connected with the offences as alleged by the prosecution and hence he prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) would submit that on the date of alleged occurrence, the Assistant Geologist, Geology & Mining Department, Salem along with other officers had gone for inspection and at that time, they found the petitioners transporting 3 units of Red soil in petitioner's vehicle without valid license. He further submitted that the contraband and the vehicles used by the petitioners to transport the contraband were seized by the respondent police and that the petitioners have no previous cases, pending against them. However, he strongly objected to grant anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both side counsel, nature of offence, and the alleged contraband has been seized by the respondent police and that no previous cases are pending against petitioners, and also considering all other factors, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **District Munsif Cum Judicial Magistrate, Edapadi** on condition that the each of the petitioners 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them



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from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30-12-2025

Jai/grs

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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1. The Inspector of Police
Poolampatti Police Station, Salem District.
2. The District Munsif cum Judicial
Magistrate, Edapadi.
3. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL J.

jai/grs

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