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Crl.O.P.No.35982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.35982 of 2025

1. S.Sasikumar

2. K.Viji

... Petitioners

Vs.

The State by Inspector of Police,
Poolampatti Police Station,
Salem District.
Crime No.365 of 2025

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS,
pleaded to enlarge the petitioners on bail in the event of their arrest by the
respondent police in Crime No.365 of 2025 pending investigation on the file
of Inspector of Police, Poolampatti Police Station, Salem.

For Petitioners : Mr.Saravanan A

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



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ORDER

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The petitioner / accused No.5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and of BNSS Act, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in connection with the Cr. No.365 of 2025 seek anticipatory bail.

2. The case of the prosecution is that when the Assistant Geologist, Geology & Mining Department, Salem, along with the other officers, had gone for inspection, the petitioners were illegally transporting 3 units of red sand in a vehicle bearing registration No.TN38 BJ 6565 without obtaining valid permission. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the 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. He further submitted that the first petitioner is the owner of the vehicle and the second petitioner is the driver of the said vehicle. He further submitted that no previous cases are filed against the petitioners.



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4. Learned Government Advocate (Criminal Side) would submit that

on the date of the alleged occurrence, when the Assistant Geologist, Geology and Mining Department, Salem, along with the other officials, inspected the place of occurrence, the petitioners were found to be transporting three units of red sand in a vehicle and that the first petitioner is the owner of the vehicle and the second petitioner is the driver of the vehicle. He further submitted that during investigation, it was revealed that the accused are transporting lake sand without any valid permission; and that the petitioners have no previous case, pending against them. However, he strongly objected to grant anticipatory bail to the petitioners.

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

6. Considering the representation made by both side counsel, nature of offence, nature of the material involved in in this case and the fact that no previous cases are pending against petitioners, and also considering all other factors, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the



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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 Magsitrate, Edappadi, on condition that 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, **daily at 10.30 a.m., for a period of 30 days 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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



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[(2005)AIR SCW 5560].

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

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grs/jai

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 official website of this Court will be watermarked and will also have a QR code.



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P.DHANABAL, J.

grs/jai

To

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

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