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Crl.O.P.No.36008 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.36008 of 2025

1. Selvakumar

2. Rajendran

3. Kumar

... Petitioners

Vs.

State Rep by its,
The Sub-Inspector of Police,
Ammamet Police Station,
Salem City.
[Crime No.560 of 2025]

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS,
pleased to enlarge the petitioners on bail in the event of arrest a case in Crime
No.560 of 2025 on the file of the respondent.

For Petitioners : Mr.Deepak Kumar C

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



Crl.O.P.No.36008 of 2025

ORDER

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The petitioners / accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNSS Act, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in connection with the Cr. No.560 of 2025 seek anticipatory bail.

2. The case of the prosecution is that on 30.11.2025, upon information, when the Special Tahsildar (Minerals), Office of the Department of Geology and Mining, Salem District, along with the Deputy Director and Assistant Director, inspected the land in comprised in S.No.199 of Masinayakkanpatty village it was allegedly found that ordinary stones were being cut with the help of an ATLAS COPCO air compressor, along with three jack hammers and three iron rods, without obtaining any valid permission. Hence, the complaint.

3. Learned counsel for the petitioners 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 there are no previous cases



CrI.O.P.No.36008 of 2025

pending as 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 de facto complainant and other officials inspected the place of occurrence, it was allegedly found the ordinary stones were cut without any valid permission; and that the petitioners have no previous cases, 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, the materials involved 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 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



CrI.O.P.No.36008 of 2025

Judicial Magistrate No.V, Salem, 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 , **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 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 [(2005)AIR SCW 5560].



CrI.O.P.No.36008 of 2025

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

30.12.2025

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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CrI.O.P.No.36008 of 2025

P.DHANABAL, J.

grs/jai

To

1. The Judicial Magistrate No.V,
Salem.
2. The Sub-Inspector of Police,
Ammamet Police Station,
Salem City.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.36008 of 2025

30.12.2025