



WEB COPY

CRL OP No. 5567 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5567 of 2026

1. M.Vadivelan

2. S.Samuthirapandi

..Petitioner(s)

Vs

The State rep.by,
The Inspector of Police,
Kadathur Police Station,
Erode District.
Cr.No.39/2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in Cr.No.39 of 2026, dated 18.02.2026, on the file of the respondent police.

For Petitioner(s): Mr.R.Senthilkumar

For Respondent(s): Mr.P.Dhileepan
Government Advocate (Crl. side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 303(2) of BNS and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.39 of 2026 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioner alleged to have indulged in illegal transportation of sand in a tipper lorry bearing Reg.No.TN96-J 4303 on 18.02.2026 at about 12.45 p.m. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would fairly submit that there is no previous case against the petitioners.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. 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 is made ready, before the **learned Judicial Magistrate Court No.II, Gobichettipalayam, Erode District**, on condition that **the petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only)**, with **two sureties each**, for a like sum



to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) The petitioners shall report before the respondent police as and when required;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

mtl



To

1. The State rep.by,
The Inspector of Police,
Kadathur Police Station,
Erode District.
2. The Judicial Magistrate Court No.II,
Gobichettipalayam, Erode District,
3. The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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