



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6359 of 2026

p.Sanmugam, (57/M),
S/o.Palaniyappan,
D.No.81, Kallural Kadu,
Pakkanadu PO, Edappadi,
Salem-636501.

..Petitioner(s)

Vs

The State by Inspector of Police
Poolampatti Police Station,
Salem District.
Crime No.39 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the Petitioner on bail in the event of their arrest by the respondent police in Crime No.39 of 2026 pending investigation on the file of Inspector of Police, Poolampatti Police Station, Salem District and thus render justice.

For Petitioner(s):

Mr.Saravanan A

For Respondent(s):

Mr.P.Dhileepan
Government Advocate (Crl.Side)



ORDER

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The petitioner, who apprehends arrest for the alleged offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of BNS Act, 2023, in Crime No.39 of 2026 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, had illegally quarried 3 units of red soil near Kundamedu Road and transported the same in a lorry. Hence, the case.

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

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

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



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned District Munsif cum Judicial Magistrate, Edappadi**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (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:

(a) If the petitioner 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 petitioner 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 petitioner 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]***;



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

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The State by Inspector of Police
Poolampatti Police Station,
Salem District.
Crime No.39 of 2026.

2. The District Munsif cum Judicial Magistrate,
Edappadi,

3. The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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