



WEB COPY

CRL OP No. 10089 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10089 of 2026

1. V.Prakash, S/o.Velusamy
2. Javith Akther Mohammed Rafiq,
S/o.Mohammed Rafiq Seeni Mohammed

..Petitioners

Vs

State by
The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.
Crime No.309 of 2026.

..Respondent

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 Crime No.309 of 2026 on the file of the Inspector of Police, Sulur Police Station, Sulur, Coimbatore District.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.P.Dhileepan,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence **303(2) of BNS read with Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957** in **Crime No.309 of 2026**, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners were involved in illegal transportation of 3 units of M-sand without any valid permit or licence by using a tipper lorry and that the petitioners were caught red handed by the respondent police. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and that they have been falsely implicated in this case. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous cases have been registered against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. Considering the totality of circumstances of the case and on the further fact that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain 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 days from the date on which the order copy is made ready, before the **Learned Judicial Magistrate, Sulur, Coimbatore District**, on condition that the petitioners 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 petitioners fail 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/accused are directed to produce a demand draft for a sum of Rs.1,30,000/- (Rupees One lakh thirty thousand only) in favour of the ‘The Chairman/District Collector, The District Mineral Foundation Trust of Coimbatore District’, (Non refundable) before the learned Judicial Magistrate, Sulur, Coimbatore District;**

(d) **On production of the above Demand Draft, the learned Magistrate is directed to take necessary steps to hand over the same to the District Collector. Upon receipt of**



the said amount, the District Collector shall realise and utilise the same strictly in accordance with law and in terms of G.O.Ms.No.84, Natural Resources (MMD.1) Department, dated 16.12.2025;

(e) The petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks;

(f) 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 petitioners 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]*;

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

21.04.2026

mp

To

1. The Judicial Magistrate, Sulur, Coimbatore District.
2. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.
4. The Chairman/District Collector,
The District Mineral Foundation Trust of Coimbatore District.



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C.KUMARAPPAN, J.

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