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CRL OP No. 10970 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 10970 of 2026

1. Rajakannu
2. Prabu
3. Jeeva

..Petitioner(s)

Vs

The Inspector of Police
Deevattipatty Police Station,
Salem District.
(Crime No.166 of 2026)

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarged the petitioners on anticipatory bail in the event of their arrest in Crime No.166 of 2026 on the file of the Inspector of Police, Deevattipatty Police Station, Salem.

For Petitioner(s): Mr.P.Praveen

For Respondent(s): Mr.P.Dhileepan
Govt.Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for offences punishable under Section 303(2) of the Bharatiya Nyaya



Sanhita (BNS), 2023, read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 166 of 2026, seek anticipatory bail.

2. The learned counsel for the petitioners, while pleading innocence and alleging false implication, seeks the indulgence of this Court. He submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioners are law-abiding citizens with no prior bad antecedents and are willing to abide by any stringent conditions imposed by this Court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing the grant of anticipatory bail, is that the petitioners had illegally transported 3 units of red soil in tipper lorries bearing Registration Nos. TN 32 AX 3060, TN 91 F 5034 and TN 38 BS 7657 without any valid licence.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.



5. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, and considering the fact that the petitioners have no bad antecedents and that custodial interrogation is not required at this stage, 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Omalur, Salem District, on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties, each for a like sum, to the satisfaction of the learned Magistrate concerned, and on further conditions that:

[a] The petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as a non-refundable donation to the District Legal Services Authority, Salem and shall produce the original receipt of such deposit before the concerned Magistrate at the time of executing the bond.

[b] 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;

[c] The sureties shall affix their photographs and left thumb impression in the application for suretyship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

[d] The petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m and as and when required for interrogation;

[e] The petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] The petitioners shall make themselves available for interrogation by a Police officer as and when required;

[g] The petitioners shall give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they will comply with the directions as may be given by the Court in this regard;

[h] The petitioners shall not abscond either during



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investigation or trial;

[i] 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 petitioner released on anticipatory bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

[j] If the petitioners thereafter abscond, 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

Jeni

To

- 1.The Judicial Magistrate, Omalur, Salem District.
- 2.The Inspector of Police, Deevattipatty Police Station, Salem District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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