

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, KRISHNAGIRI.**Present: Tmt.V.R.Latha, M.A., B.L.,****Principal Sessions Judge, Krishnagiri**Thursday, the 12th day of March 2026**CRIMINAL MISCELLANEOUS PETITION NO. 863/ 2026.**

I.Somendrakumar

... Petitioner/ Accused

/Versus/

State: The Inspector of Police,

Sipcot P.S., Cr.No:45 /2026

...Respondent/Complainant

This petition has come up today before this court in the presence of Tr.K.Marks, Counsel for the petitioner and Tr.M.Visva Bharathi, Public Prosecutor for the respondent police, after hearing both sides, perusing the averments, this Court delivered the following:

ORDER

This petition has been filed by the petitioner/accused U/S. 482 of BNSS Act, seeking anticipatory bail for the alleged offence U/S. 303(2) of BNS Act r/w 21(1), 21(4) of MM Act.

2] The Learned Counsel for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Only for the statistical purposes, the respondent/police has foisted a false case against the petitioner. The respondent/police is attempting to arrest the petitioner. The learned counsel for the petitioner further submitted that co-accused has already deposited the value of the minerals before the Mines and Minerals department. The petitioner is only breadwinner of

his family and he is a law abiding citizen. If the petitioner is released on anticipatory bail, he will not abscond and he will abide the condition if any to be imposed by this Court. Accordingly, the learned Counsel has prayed to grant pre-arrest bail to the petitioner.

3] Per contra, the learned Public prosecutor has strongly opposed to grant pre-arrest bail to the petitioner by stating that on the occurrence date, when the Revenue officials were on their regular patrol duty, at that time this petitioner/accused is attempting to 6 units of M-Sand through his vehicle, without any valid license and proper documents, and that the revenue officials were intercepted the above said vehicles and seized the minerals along with vehicles from the place of occurrence and handed it over to the respondent/police. The respondent/police has registered a case against the petitioner. This petitioner has escaped from the place of occurrence and he is still absconding. In this case, investigation is pending.

4] This Court has considered both side submissions. The Revenue officials were seized 6 units of M-Sand along with his vehicles from the place of occurrence. Considering the nature of minerals allegedly transported without any permission or license, and also considering the fact that the case property has been seized by the respondent/police. The petitioner is having permanent residence. Hence, the petitioner may not abscond and the possibility for absconding is very less. Therefore, this Court does incline to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(a) In the result, this petition is allowed and it is hereby ordered that the petitioner in the event of his arrest by the respondent police or on his **surrender before the learned Judicial Magistrate, No-II, Hosur on or before 30.03.2026**, shall be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the

satisfaction of the above said Judicial Magistrate, **failing which the petition for anticipatory bail shall stand dismissed automatically.**

(b) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate may obtain a copy of their Family card, Voter ID, PAN Card and Bank Pass Book to ensure their identity.

(c) Further, the petitioner shall appear and sign before the respondent police station daily at 9.00 am, until further orders. The condition which is being imposed to be complied without any deviation. No further applications will be entertained for a period of 30 days.

(d) The petitioner shall make himself available for interrogation by the concerned police as and when required.

(e) The petitioner shall not tamper with evidence or witness during the trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the Learned Judicial Magistrate is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the trial Court itself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala (2005 AIR SCW 5560). If the accused there after absconds, a fresh FIR can be registered under section 269 BNS Act. With the above directions, this petition is allowed.

Pronounced by me in the Open Court on this, the 12th day of March 2026.

Principal Sessions Judge,
Krishnagiri.

Copy To:

- 1) The Judicial Magistrate, No-II, Hosur.
- 2) The Public prosecutor, Principal District Court, Krishnagiri.
- 3) The Inspector of police, Sipcot P.S.
- 4) Tr.K.Marks, Advocate, Krishnagiri.