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Crl.O.P.No.1151 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

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THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

**Crl.O.P.No.1151 of 2025**

1. Vishva

2.Saleem

... Petitioners

Vs

State rep by

The Inspector of Police,

Melpadi police station,.

Vellore District

(Crime No.231 of 2024)

... Respondent

**PRAYER:** The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No. 231 of 2024 on the file of respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

**ORDER**

The petitioners, apprehend arrest for the alleged offences under Sections 303(2) and 326 of BNS Act, 2023 in Crime No. 231 of 2024 on the file of the respondent police, seek anticipatory bail.



CrI.O.P.No.1151 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused illegally transported  $\frac{1}{4}$  unit of river sand in the tractor without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit the petitioner along with other accused illegally transported  $\frac{1}{4}$  unit of river sand in the tractor without any valid license. Hence, he opposed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.1151 of 2025

WEB COPY

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with 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 of receipt of a copy of this order before the ***Judicial Magistrate, Katpadi, Vellore*** on condition that the petitioners shall execute a separate bond for a sum of ***Rs.10,000/- (Rupees Ten Thousand Only)***, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report **before the respondent police daily at 10.30 A.M. until further orders.**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with



Crl.O.P.No.1151 of 2025

WEB COPY

the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

[g] If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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Crl.O.P.No.1151 of 2025

**G.R.SWAMINATHAN J.**

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**Crl.O.P.No.1151 of 2025**

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