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Crl. O.P. No. 1244 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

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

Crl. O.P. No. 1244 of 2025

1.Mayavan

2.Elavarasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
(Crime No. 357 of 2024)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.357 of 2024 on the file of the respondent police.

For Petitioners : Mr. S. Thirugnanam

For Respondent : Mr. S. Santhosh,
Government Advocate (Crl.Side)



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ORDER

The petitioners, apprehend arrest for the alleged offences under Section 303(2) and 326 of BNS, 2023 and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No. 357 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported $\frac{1}{4}$ unit of river sand in Bullock Cart without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent person 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 illegally transported $\frac{1}{4}$ unit of river



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sand in bullock cart without any valid license. Hence, he opposed for grant of anticipatory bail to the petitioners.

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 No.II, Cuddalore District*** on condition that the petitioners shall execute separate bond each 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 the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.



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

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

[e] the petitioners shall make themselves 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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G.R.SWAMINATHAN, J.

AT

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