



WEB COPY



CRL O.P. No.1236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1236 of 2025

1.Babu @ Shanmugasri

2.Manikandan @ Iyappan

... Petitioners

Vs

State rep. by:-

The Sub-Inspector of Police,

Peralam Police Station

Tiruvarur District.

[Cr. No.17 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners in Crime No.17 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Santosh

Government Advocate (Criminal side).

ORDER

The petitioners, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) & 326 of BNS in connection with the Cr.No.17 of 2025 seek anticipatory bail.



CRL O.P. No.1236 of 2025

2. It is the case of the prosecution that the petitioners are alleged to have transported 1 unit of river sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are ready to abide any conditions imposed by this Court in granting bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioners were illegally transporting 1 unit of sand in tractor and further submitted that there is no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials placed on record. Considering the nature of offences and quantity of material involved in this case and there is no previous case pending against the petitioners, I am of the view that custodial interrogation of the petitioners are not warranted, thus, this Court is inclined to grant anticipatory bail to the



CRL O.P. No.1236 of 2025

petitioners subject to the following conditions.

WEB COPY

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 on which the order copy made ready, before the learned **Judicial Magistrate, Nannilam** 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[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 to the Court or to any police officer or tamper with the evidence;

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



WEB COPY



CRL O.P. No.1236 of 2025

G.R.SWAMINATHAN, J.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

dhk

To

1. The Judicial Magistrate, Nannilam
2. The Public Prosecutor, High Court, Madras.
3. The Sub-Inspector of Police,
Peralam Police Station
Tiruvarur District.

4/5



WEB COPY



CRL O.P. No.1236 of 2025

CRL O.P. No.1236 of 2025