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CRL O.P. No.1966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.1966 of 2025

1. Vengatachalapathy @ Venkatachalapathi
2. Pugazhandhi @ Pugazhenth... Petitioners / Accused-2 & 4

Vs

State rep. by:-

The Inspector Of Police,
Thirunavalur Town Police Station,
Kallakurichi District. ... Respondent
[Cr. No.8 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused -
2 & 4 in Crime No.8 of 2025 on the file of the respondent police.

For Petitioners : Mr. Magesh Kumar

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused-2 & 4, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) of B.N.S. read with Section 21(1) of Mines and Minerals Act in connection with the case in Crime No.8 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be in possession of 1/4 unit of river sand in Bullock Cart.

3. Learned counsel for the petitioners would contend that the material objects have been seized and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), per contra, would submit that 1st petitioner/A2 has 4 previous cases, which were registered in the year 2019.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused



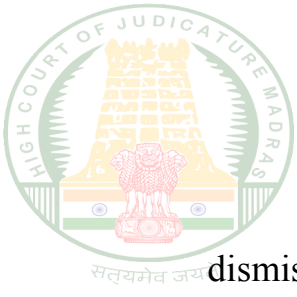
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the materials available on record.

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6. Considering the fact that there are no previous cases against the 2nd petitioner / A4 and the cases pending against the 1st petitioner/A2 are of the year 2019, nature of allegations and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Ulundurpet, Kallakurichi District** on condition that each petitioner 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, failing which, the petition for anticipatory bail shall stand



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dismissed and on further conditions that:

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[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered

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under Section 269 B.N.S.

04.02.2025

mjs

To

- 1.The Judicial Magistrate No.II, Ulundurpet, Kallakurichi District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Thirunavalur Town Police Station, Kallakurichi District.

SUNDER MOHAN. J.,

mjs



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