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Crl.O.P.No.2363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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1.Palani

2.Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Bargur Police Station,
Krishnagiri.
(Crime No.28 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
his arrest in Crime No.28 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Deepan Uday

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 303(2) of BNS in Crime No.28



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of 2025, seek anticipatory bail.

2. The case of the prosecution is that on 24.01.2025, based on the information received from the Assistant Director of Mines and Minerals, Villupuram, the respondent police was inspecting the vehicles and they found that the petitioners had illegally transported 3 units of Gravel sand in a vehicle bearing Reg. No. TN-24-R-2227, without a permit or license, and on seeing the respondent police, the petitioners had abandoned the vehicle and the sand and ran away from the place. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; and that they have no previous cases; and that in any case, since the material has been seized, custodial interrogation of the petitioners are not required for the purpose of investigation. Therefore, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners have illegally transported 3 units of Gravel sand. Hence, he vehemently opposed to grant anticipatory bail.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the submission of the learned counsel for the petitioner that the sand has been seized; the nature of allegations and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 on which the order copy is made ready, before the ***Judicial Magistrate No.I, Krishnagiri***, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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



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for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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];**

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

31.01.2025

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To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. The Inspector of Police,
Bargur Police Station,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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