



CrI.OP.No.2476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.2476 of 2025

1. K. Suresh

2. K.Duraisamy

... petitioners /Accused

Vs.

State rep. by the Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.11 of 2025 on the file of the Inspector of Police, Kallakurichi Police station, Kallakurichi District.

For petitioners : Mr.P.Rajavel Rajavel

For Respondent : Mr.S.Balaji,



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Government Advocate (Crl.Side)

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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the BNS, 2023 r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.11 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 05.01.2025, while the respondent police were on regular patrol duty, they found that the petitioners transporting three units of gravel sand using a Tractor with Tipper bearing registration No.TN-15-U-2109. The respondent police then seized the vehicle along with three units of gravel sand. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and have been falsely implicated in this case 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.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioners, submitted that the accused were found to be allegedly involved in illegal possession of three units of gravel sand in a Tractor with tipper. He would further submit that no previous case of a similar nature is pending against the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to his defense and contention, are ready and willing to deposit an amount of Rs.5,000/- each as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the



materials available on record.

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7. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each as non refundable deposit to “District Legal Services Authority, Kallakurichi”, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

8. Considering the nature of allegation; there is no case pending against the petitioners; the petitioners are willing to deposit an amount of Rs.5,000/- each as non-refundable deposit to any welfare scheme; and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to make a non-refundable deposit of Rs.5,000/- each directly to the credit of “District Legal Services



Authority, Kallakurichi”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 copy of this order, before the learned Judicial Magistrate No.I, Kallakurichi, Kallakurichi District, on condition that the petitioner shall execute a bond for 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 said Magistrate, on further condition that:

- [a] 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;
- [b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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*** reported in [(2005)AIR SCW 5560];

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

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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- To
1. Learned Judicial Magistrate No.I,
Kallakurichi, Kallakurichi District
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.



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SUNDER MOHAN, J.

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