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Crl.O.P.No.2370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2370 of 2025

Marudhu Pichandi

... Petitioner / A4

Vs.

The State represented by,
The Sub-Inspector of Police,
Latheri Police Station,
Vellore.
(Crime No.8 of 2025).

... Respondent / Complainant

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.8 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Ezhil Balaji

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS, 2023 in Crime No.8 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 20.01.2025, based on a secret



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information received, the respondent police went to the spot and found that the petitioner along with other accused had illegally transported 50 Kgs of sand in a two wheeler bearing Reg. No.TN-23-AK-6636, without a permit or license. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent; and that he has no previous cases; and that in any case, since the material has been seized, custodial interrogation of the petitioner is 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 petitioner had illegally transported 50 Kgs of sand without any valid licence; and that there are no previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail.

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.



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6. Admittedly, the sand said to have been illegally transported has been seized. There are no previous cases against the petitioner. In such circumstances, custodial interrogation of the petitioner is not required for the purpose of investigation and hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Katpadi**, on condition that the petitioner 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 for anticipatory bail shall stand dismissed and on further conditions that:

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

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

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

[d] On breach of any of the aforesaid conditions, the learned



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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]**;

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

31.01.2025

smv

To

1. The Judicial Magistrate,
Katpadi.
2. The Sub-Inspector of Police,
Latheri Police Station,
Vellore.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

smv

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