



Crl.OP.No.2536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2536 of 2025

1. N.Subramaniam
2. R.Sridhar

... Petitioners /Accused 1 & 2

Vs.

State rep. by
Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur District.
(Crime No.38 of 2025)

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of their arrest pending investigation in Crime No.38 of 2025 on the file of the respondent police.

For Petitioner : Mr.Silambarasan.S
For Respondent : Mr.S.Balaji,
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), 326 of BNS and Section 21(1) of TNMMDR Act, in Crime No.38 of 2025, on the file of the



respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that, on 23.01.2025, while the respondent police were on regular patrol duty, they found that the petitioners were transporting four units of river sand using a vehicle bearing registration No.TN-12-Y-7693. The respondent police then seized the vehicle along with four units of river 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.

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 four units of river sand. He would further submit



that no previous case of a similar nature is pending against the petitioners.

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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.10,000/- 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.

7. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to “District Legal Services Authority, Tiruvallur”, without prejudice to the right of defence before the Trial Court and making it clear that it would not



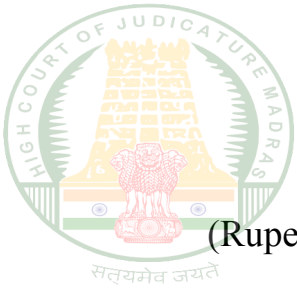
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amount to admission of guilt.

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8. Considering the nature of allegation; there is no case pending against the petitioners; the petitioners are willing to deposit an amount of Rs.10,000/- each as non-refundable deposit to any welfare scheme; and that 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.

9. Accordingly, the petitioners are directed to make a non-refundable deposit of Rs.10,000/- each directly to the credit of “District Legal Services Authority, Tiruvallur”, 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, Tiruvallur, on condition that the petitioner shall execute a bond for sum of Rs.10,000/-



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(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;
- [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



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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
skr



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- To
1. The Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. District Legal Services Authority,
Tiruvallur.
 4. Learned Judicial Magistrate No.I,
Tiruvallur.



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SUNDER MOHAN, J.

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