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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3092 of 2025

Abdul Shukar
S/O.Mohammed Khan, Door No.2/44, Achetpalli,
Hosur Taluk, Krishnagiri District.

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Mathigiri Police Station, Krishnagiri District.

Respondent(s)

For Petitioner(s):

E Kannadasan
R. Thulasi
S.Priyadarshini
M. Sathishkumar
A. Ajay

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

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 in Crime No.43 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that while the respondent police were on regular patrol, they intercepted a tractor with trailer bearing Registration Nos.TN-70-AB-9991 and TN-70-T0117. On seeing the police officials, the accused attempted to escape from the place. The respondent police then seized the vehicle along with two units of soil. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle. He further would submit that he is innocent person and he has been falsely implicated in this case 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. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, submitted that the accused was found in illegal possession two units soil in a vehicle. He would further submit that no previous case of a similar nature is pending against the petitioner.



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

6. Considering the nature of allegation; that there is no previous case pending against the petitioner; 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 petitioner with certain conditions. Accordingly, the 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 of receipt of copy of this order, before the learned **Judicial Magistrate No.II, Hosur**, 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



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

[d] the petitioner shall not abscond 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 [(2005)AIR SCW 5560]**;

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

07.02.2025

Index : Yes / No
Internet : Yes / No
rpl

To

1.The Inspector Of Police,
Mathigiri Police Station, Krishnagiri District.

2.The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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Crl.O.P.No.3092 of 2025

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