



Crl.OP.No.3018 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.3018 of 2025

1.Kanagaraj
2.Sithuraj

... Petitioners

Vs.

State by Tamil Nadu,
The Inspector of Police,
Deevattipatty Police Station,
Deevattipatty,
Salem District.
(Crime No.41 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on anticipatory bail on event of arrest in Crime No.41 of 2025 on the file of the respondent police.

For petitioner : Mr.P.Praveen

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 Section 21(1) of M.M.Act r/w



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Section 303(2) of BNS, in Crime No.41 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that, while the respondents were on regular patrol duty, they found that the petitioners were transporting 3 unit of red soil in the tipper lorry bearing registration No.TN 56 D 2273, without any license. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that there are no previous cases pending against the petitioner; and that in any case, the custodial interrogation is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and on instructions submitted that the contraband worth Rs.10,000/- was seized from the petitioners. Hence, he opposed for granting anticipatory bail to the petitioner.



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

6. Considering the nature of allegations; that no previous cases are pending against the petitioners; 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, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate, Omalur, Salem District** on condition that the petitioner shall execute a bond for a 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners 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.The Inspector of Police,
Deevattipatty Police Station,
Deevattipatty,
Salem District.

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

3.The Judicial Magistrate,
Omalur, Salem District

SUNDER MOHAN, J.

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