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CRL O.P. No.3100 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.3100 of 2025

1. Prabhakaran S/o. Dashnamoorthy
2. Vijayakumar S/o. Elumalai ... Petitioners / Accused

Vs

State rep. by:-

The Inspector Of Police,
SIPCOT Police Station,
Vellore District. ... Respondent
[Cr. No.33 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.33 of 2025 on the file of the respondent police.

For Petitioner : Ms. Pavithra Priyadarshini.A

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of B.N.S. in connection with the case in Crime No.33 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be transported 3 units of river sand in a lorry.

3. Learned counsel for the petitioners would contend that the materials were seized; that the petitioners are driver and owner of the vehicle and they have no previous cases; and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), per contra, would submit that the respondent police seized the sand and the vehicle.

5. Heard the learned counsel 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. Considering the nature of allegations, the fact that the materials were seized, that there is no previous case pending against the petitioners, and that since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 days from the date of receipt of a copy of this order, before the learned **District Munsif-cum-Judicial Magistrate, Ranipet** on condition that the petitioner shall each execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and



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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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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



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To

- 1.The District Munsif-cum-Judicial Magistrate, Ranipet.**
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, SIPCOT Police Station, Vellore District.

SUNDER MOHAN. J.,

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