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Crl.O.P.No.3143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.3143 of 2025

Karunakaran @ Karuna

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Omerabad Police Station,  
Tirupathur District.  
(Crime No.847 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of  
his arrest in Crime No.847 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Thirumoorthy D

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 Sections 303(2) and 326 of BNSS Act in  
Crime No.847 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 21.12.2024, while the



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respondents were on regular patrol duty, they found that the petitioner was transporting 1/4 unit of river sand in Bullock Cart, without any license. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; and he has no previous 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. The learned Government Advocate (Crl.Side) submitted that the petitioners have illegally transported 1/4 unit River sand without a permit or license which was found by respondent police. Hence, he 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.

6.Considering the nature of allegations; and no previous case pending



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against the petitioned; 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.

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, Ambur** 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 and 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 daily at 10.30 a.m., until further orders.

[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



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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 BNS.

**07.02.2025**

dpa

To

1. The Judicial Magistrate,  
Ambur.
2. The The Inspector of Police,  
Omerabad Police Station,  
Tirupathur District.
3. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN., J.**

*dpa*

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