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CRL OP NO. 3443 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3443 of 2025

Krishnakumar @ Simily
S/o.Chinnaraj, No.816, Beemaroo Street,
Karugampattur Village and Post, Vellore
District.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Virinchipuram Police Station, Vellore District.
(Crime No.19 of 2025).

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No. 19 of 2025 pending
on the file of the respondent police.

For Petitioner(s):

Mr.Balamanikandan Ganesan

For Respondent(s):

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 the
BNS Act, in Crime No.19 of 2025, on the file of the respondent police,



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seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with other accused were found illegally transporting 100kg of river sand. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and would abide by any conditions as imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted that the petitioner along with the other accused persons were found in possession of 100kg of river sand illegally and that there is no previous case as against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

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



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6. Considering the nature of allegations and taking into consideration the quantity seized and that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 a copy of this order, before the **learned Judicial Magistrate IV, Vellore** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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.



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[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.

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To

- 1.Learned Judicial Magistrate IV, Vellore
- 2.The State Rep by, The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
(Crime No.19 of 2025).
- 3.The Public Prosecutor,
Madras High Court,
Chennai



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