



WEB COPY



CRL O.P. No.3799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM:

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

CRL O.P. No.3799 of 2025

1. Periyasamy
2. Moorthi

... Petitioners/Accused 1 and 2

Vs

State rep. by:-

The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

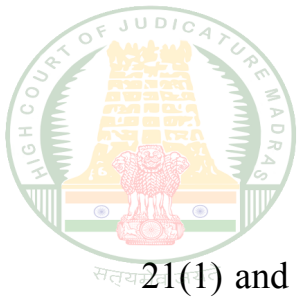
...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge the petitioners on bail in the event of their arrest in the connection with Crime No.52 of 2025 pending on the file of the respondent police.

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

ORDER

The petitioners / Accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303 (2) of BNS and



CRL O.P. No.3799 of 2025

WEB COPY

21(1) and 21 (4) of the Mines and Minerals (Development and Regulation) Act, 1957, with the case in Crime No.52 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 6 units of M-sand in Tipper Lorries bearing Registration No.KA-05-AN-9459 without any permit. Hence, the case.

3. Learned counsel for the petitioners would submit that the contraband has been seized; that the custodial interrogation is not required in this case; and that no previous case is pending against the petitioners and hence prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side), appearing for the respondent police, would submit that the contrabands have been seized; and that no previous cases are pending against the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

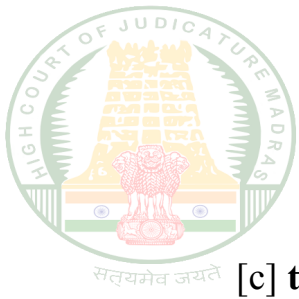


WEB COPY

6. Considering the fact that the contraband was seized, the nature of the allegations and 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 **Judicial Magistrate No.II, Hosur**, on condition that each petitioner shall 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 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.



CRL O.P. No.3799 of 2025

WEB COPY

[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.

17.02.2025

dk

To

- 1.The Judicial Magistrate No.II, Hosur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Mathigiri Police Station, Krishnagiri District.



WEB COPY



CRL O.P. No.3799 of 2025

SUNDER MOHAN,J.

dk

CRL O.P. No.3799 of 2025

17.02.2025