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CRL O.P. No.4044 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.4044 of 2025

1. Eakambaram
 2. Mohammed Ali Kalesha
- ... Petitioners/Accused

Vs

State rep. by:-

The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.

Crime No.45 of 2025

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge on anticipatory bail in the event of the petitioners' arrest by the respondent police, D2 Anna Salai Police Station (Crime No.45 of 2025).

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

ORDER

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



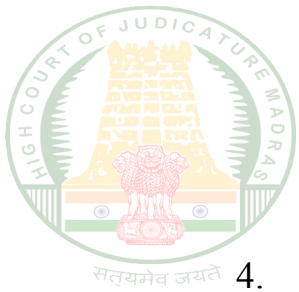
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Nyaya Sanhita, 2023 and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, with the case in Crime No.45 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A2 and A3, along with other accused, were found to be in illegal possession of 6 units of gravel sand through a vehicle bearing Registration No.TN 19 AU 4428 without any permit. Hence, the case.

3. Learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the contraband has been seized; that the co-accused/A1/driver of the vehicle has already been arrested and released on bail; that based on the confession of the co-accused/A1, the petitioners have been implicated in this case; that the custodial interrogation of the petitioners 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.



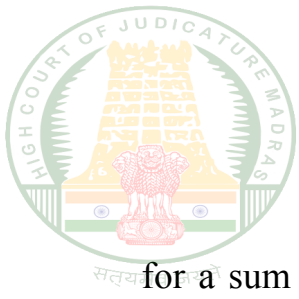
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4. Learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and submitted that the contraband has been seized; and that no previous cases are pending against the petitioners.

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.

6. Considering the nature of the allegations, the fact that the contraband was seized and the fact that no previous cases are pending against the petitioners 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 **II Metropolitan Magistrate Egmore, Chennai**, on condition that each petitioner shall execute a separate bond



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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:

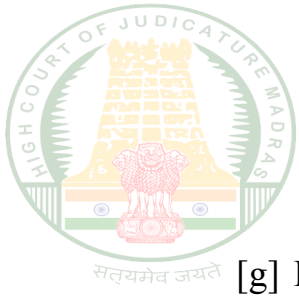
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered under

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Section 269 B.N.S.

17.02.2025

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To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police,
D-2, Anna Salai Police Station,
Chennai.

SUNDER MOHAN,J.



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