



Crl.O.P.No.5377 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No. 5377 of 2025

1. R. Arul
2. E. Rajagopal

...Petitioners/Accused

Vs.

State represented by
Inspector of Police
Thirukoilur Police Station
Kallakurich District
(Cr.No.84 of 2025)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of BNSS, 2023, to
enlarge the petitioners on bail in the event of their arrest in connection with
Crime No.84 of 2025 on the file of the respondent police.

For Petitioners : Mr. T. Balachandran
For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303 of BNS, 2023 kr/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.84 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioners, who are driver and owner of the lorry bearing No.TN 28 BK 8539, have illegally transported five units of gravel sand, without any permit. Hence, the case.

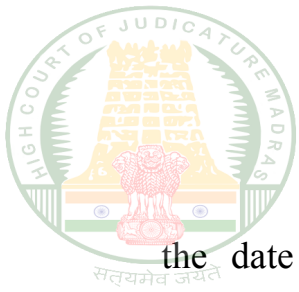
3. Learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution; that the custodial interrogation of the petitioners are not required in this case; and that no previous case is pending against the petitioners and hence, prayed to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side), appearing for the respondent police, would submit that the contraband has been seized; and that no previous case is pending against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations, the fact that the contraband has been seized and no previous case is 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 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from



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the date on which the order copy was made ready, before the learned

Judicial Magistrate, Thirukoilur, Kallakurichi District, on condition that each 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, on further condition that:

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

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

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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]***;

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

gya

27.02.2025



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SUNDER MOHAN, J.
gya

WEB COPY

To

1.The Judicial Magistrate
Thirukkcoilur
Kallakurichi District

2.The Inspector of Police
Thirukoilur Police Station
Kallakuricih District

3.The Public Prosecutor
High Court of Madras

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