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Crl.O.P.No.4747 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4747 of 2025

1. Kanagaraj
2. Sathiyamoorthi ...Petitioners/A2 & A3

Vs.

The State Rep. by
The Inspector of Police,
Aladi Police Station,
Cuddalore District.
(Crime No.23 of 2025) ...Respondent/Complainant

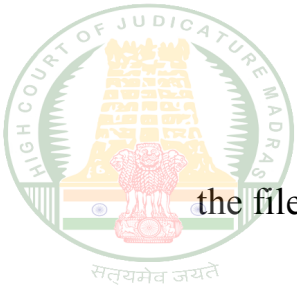
Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.23 of 2025 on the file of the respondent police.

For Petitioner : Mr.Magesh Kumar

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326 of BNS 2023 r/w. Section 21(1) of MMDR Act, 1957 in Crime No.23 of 2025, on



the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners and other accused were found in possession of 3 units of pebbles without any license or permit. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution; and that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the petitioners are having one previous case each and they are on bail in that case.

5. Heard the learned counsel for the petitioners and the learned



Government Advocate (Crl. Side) appearing for the respondent police and
perused the materials available on record.

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6. Taking into consideration the facts and circumstances of the case, considering the nature of offence, the fact that the petitioners are on bail in the previous case and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioners with 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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.II, Virudhachalam**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Aadhar card



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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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.02.2025

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SUNDER MOHAN, J.

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- 1.The Inspector of Police,
Aladi Police Station,
Cuddalore District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Judicial Magistrate No.II,
Virudhachalam.

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