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CrI.O.P.No.5173 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5173 of 2025

1. Visvanathan

2. V.Uma

... Petitioners/Accused

Vs.

State, Rep. by the Inspector of Police

Aladi Police Station,

Virudhachalam Taluk,

Cuddalore District.

(Crime No.22 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.22 of 2025, on the file of the respondent Police.

For Petitioners : Mr.S.Saravanakumar

For Respondent : Mr.S.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2), 326 of BNS r/w 21(1) of MMDR Act, 1957 in Crime No.22 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported four units of pebbles.

3. The learned counsel appearing for the petitioners submitted that the



petitioners are innocent; that they have been falsely implicated in this case and prayed for anticipatory bail for the petitioners.

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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 on instructions submitted that there is one previous case against the petitioners and they are bail on 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.

6.Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized and that the petitioners are on bail in the other case, this Court is of the view that custodial interrogation is not required for the purpose of investigation, and 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-II, Virudhachalam Taluk, Cuddalore District**, 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



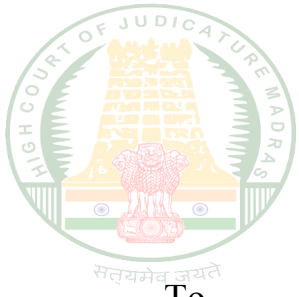
the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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- [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 or Bank pass Book to ensure their identity;
- [b] the petitioners shall report before the respondent police as and when required for interrogation.
- [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.

26.02.2025

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SUNDER MOHAN, J.
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To

1.The Judicial Magistrate II,
Virudhachalam Taluk, Cuddalore District.

2.The Inspector of Police
Aladi Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras.

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