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CrI OP No.4502 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4502 of 2025

Rajkaboor

... Petitioner

Versus

The State rep by
Inspector of Police,
Velur Police Station,
Namakkal District.
(Cr.No.39 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest concerned in Cr.No.39 of 2025 on the file of the respondent police.

For petitioner : Mr.T.Dhasarathan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(2) of BNS Act in Crime No.39 of 2025, seeks anticipatory bail.



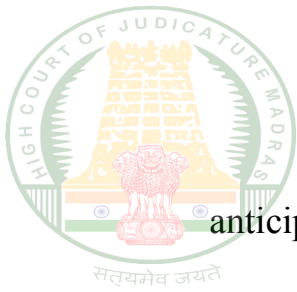
2. The case of the prosecution is that the petitioner/accused was found to be in possession of three gunny bags of river sand.

3. The learned counsel for the petitioner submitted that the contraband have been seized and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the contraband was seized and that there is no previous case against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) for the respondent and also perused the materials available on record.

6. Considering the submissions made on either side; nature of allegation; that the contraband was seized; that the the petitioner has no antecedents and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant



anticipatory bail to the petitioner subject to the following conditions:

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Paramathi, Namakkal District** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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Petitioner in accordance with law as if the conditions have been imposed and the Petitioner is 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

20.02.2025

Vv

To

1. The Judicial Magistrate,
Paramathi, Namakkal District.
2. The Inspector of Police,
Velur Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

SUNDER MOHAN, J.

Vv



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