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Crl.O.P.No.4768 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4768 of 2025

1. Borra Bhakthavatshal Reddy
2. Akkupalli Karthik

Petitioner(s)

Vs

The State by, The Inspector of Police,
B2 Thiruvallur Taluk Police Station, Thiruvallur,
Thiruvallur District. Crime No. 59 of 2025.

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.59 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. Srinivas M. J.

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS in Crime No.59 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, based on a secret information, the respondent police went to the spot and conducted vehicle inspection duty; that they found that the accused persons/ A1 to A3 were involved in illegal transportation of 9 units of sand in their lorries; and that during investigation, it was revealed that the petitioner's lorries were used for the said offence. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution; that their lorry drivers were involved in the alleged offence without the knowledge of the petitioners; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that



may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners are the owners of the lorries, which were used for illegal transportation of 9 units of sand; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioners.

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, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the petitioners are the owners of the lorries, which were used for the alleged offence and since custodial interrogation of the petitioners is not required for the purpose of



investigation, 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 days from the date on which the order copy made ready, before **the learned I Judicial Magistrate, Thiruvallur** on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.

[b] the petitioners shall report before the respondent police on Monday and Thursday of every week at 10:30 a.m., until further orders.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioner 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

25.02.2025

stn

To

1. The State by, The Inspector of Police,
B2 Thiruvallur Taluk Police Station,
Thiruvallur, Thiruvallur District.
Crime No. 59 of 2025.



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SUNDER MOHAN, J.

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