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Crl OP No.5330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5330 of 2025

1. V.Srinivasan
2. Shankar

... Petitioners

Versus

State represented by
Inspector of Police,
B-5, Baluchettichathiram Police Station,
Kanchipuram

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest concerned in Cr.No.48 of 2025 on the file of the respondent police.

For petitioners : Mr.M.Balaji

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(2) of BNS r/w Section 21(1) of Mines and Minerals (Development



Regulation) Act in Crime No.48 of 2025, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioners were found to be illegally transported six units of gravel sand in a lorry.

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

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the contraband was seized. He also submitted that there are no previous case against the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.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 there are no cases as



against the petitioners and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 is made ready, before the ***Judicial Magistrate Court-I, Kancheepuram*** on condition that each of the petitioners shall execute separate bonds 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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



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[c] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners are 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]**;

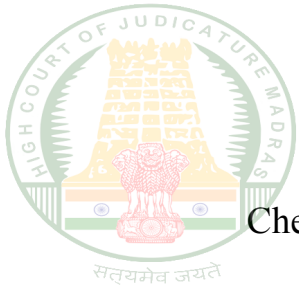
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

27.02.2025

Vv

To

1. The Judicial Magistrate Court-I,
Kancheepuram.
2. The Inspector of Police,
B-5, Baluchettichathiram Police Station,
Kanchipuram
3. The Public Prosecutor,
High Court of Madras,



Chennai.

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SUNDER MOHAN, J.

Vv

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