



Crl.OP.No.5642 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5642 of 2025

1.Nagaraj @ Karuna
2.Sekar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Mappedu Police Station,
Thriuvallur District.
(Crime No.337/2018)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of their arrest in Crime No.337 of 2018 on the file of the respondent
Police.

For Petitioners : Mr.D.Bennington

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 379, 430 of IPC and



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Section 21 (1) of Mine and Minerals (Development and Regulation) Act
1957 in Crime No.337 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 8 units of River Sand in Lorry without valid licence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have been falsely implicated in this case and prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions the petitioners have no bad antecedents.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



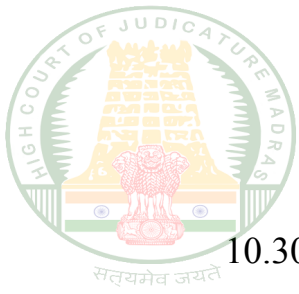
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6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the contraband was seized, the petitioners have no bad antecedents and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on the certain conditions.

7. Accordingly, the petitioner are 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 - II, Thiruvallur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 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 1st petitioner shall report before the respondent police daily at



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10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police as and when required.

[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 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 [(2005)AIR SCW 5560]**;

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

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Mappedu Police Station,
Thriuvallur District.

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2.The Judicial Magistrate-II,
Thiruvallur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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