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Crl.O.P.No.5992 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5992 of 2025

Nagaraj.E

...Petitioner/Accused-1

Vs.

State rep by
The Inspector of Police,
T4, Madhuravoyal Police Station,
Chennai.

(Crime No.90 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.90 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Mohanraj

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.90 of 2025 registered for the offence under Section 303(2) of BNS, 2023 r/w 21(1) MM Act, 1957.

2. The case of the prosecution is that the petitioner along with the other accused was found in possession of 1.5 tons of white M-sand in a vehicle bearing Registration No.TN-12-Z-5577 without any permit. Hence, the case.

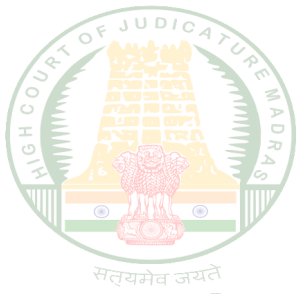
3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has no bad antecedents; that the contraband has been seized and hence his custodial interrogation is not required and sought for anticipatory bail.



4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband has been seized and the petitioner has no bad antecedents.

5. Considering the nature of allegations, the fact that the contraband was seized and the petitioner has no bad 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 with certain conditions.

6. 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 of receipt of copy of this order, before the learned **Judicial Magistrate No.II, Poonamallee**, on condition that the petitioner shall execute a 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 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

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

[d] the petitioner 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 petitioner 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

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Copy to:

- 1.The Inspector of Police,
T4, Madhuravoyal Police Station,
Chennai.
- 2.The Judicial Magistrate No.II, Poonamallee.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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