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Crl.O.P.No.5886 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5886 of 2025

1.Usharani

2.Manikandan

...Petitioners/Accused

Vs.

State rep by
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
(Crime No.39 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the Petitioners on bail in the event of her arrest by the respondent police in Crime No.39 of 2025 on the file of Inspector of Police, Brammadesan Police Station, Villupuram District.

For Petitioners : Mr.S.Kalaimani

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



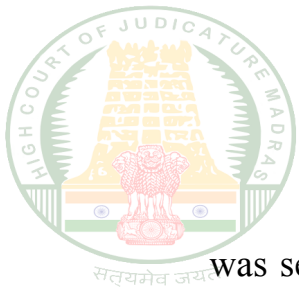
ORDER

This Criminal Original Petition has been filed by the Petitioners, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.39 of 2025 registered for the offence under Sections 303(2) BNS read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that, the Petitioners had illegally transported 3 units of Ordinary Earth sand in a Tipper Lorry bearing Reg. No.TN-16-H-1069.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the Petitioners have no bad antecedents.

5. Heard the learned counsel appearing for the Petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



6. Considering the nature of allegations, the fact that the contraband was seized and 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 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 of receipt of copy of this order, before the learned **Judicial Magistrate No.II, Tindivanam** 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 said Magistrate, on further condition that:

[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 Petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;



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

[d] the Petitioners 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 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 B.N.S.

04.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
- 2.The Judicial Magistrate No.II, Tindivanam.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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