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CRL O.P. No.5823 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

**CORAM:**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL O.P. No.5823 of 2025**

1. Ramesh S/o. Kannan  
2. Kumaresan S/o. Balaraman ... Petitioners / Accused 1 & 2

Vs

**State rep. by:-**

The Inspector Of Police,  
Vellore Taluk Police Station,  
Vellore District. ... Respondent  
[Cr. No.35 of 2025 ]

**PRAYER: -** The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in Crime No.35 of 2025 on the file of the respondent police.

For Petitioner : Mr. D. Thirumoorthy

For Respondent : Mr. S. Santhosh  
Government Advocate  
[Criminal side]

**ORDER**



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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of B.N.S. in connection with the case in Crime No.35 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 3 units of gravel sand.

3. Learned counsel for the petitioners would contend that the petitioners are innocent and they have been falsely implicated in this case and prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions, submitted that there is one previous case pending against the 1st petitioner, in which, he is on bail and that the 2nd petitioner has no bad antecedents.



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5. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the fact that the 1st petitioner is on bail in other case, which is not a similar case and the 2nd petitioner has no bad antecedents and since the 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 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 a copy of this order, before the learned **Judicial Magistrate No.IV, Vellore** on condition that the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further



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conditions 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.

**[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.**

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.



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To

- 1.The Judicial Magistrate No.IV, Vellore.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Vellore Taluk Police Station, Vellore District.

**SUNDER MOHAN. J.,**

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