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Crl.OP.No.7531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7531 of 2025

Murugan

... Petitioner(s) /Accused

Vs.

The State rep. by
Inspector of Police,
B1, Dharmapuri Police Station,
Dharmapuri.
Crime No.95/2025.

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest or surrender in connection with Crime No.95 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.S.Velmurugan

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 and Section 21(1) of MMDR Act, 1957, in Crime No.95 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 3 units of norambu sand in a Lorry.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

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 submitted that the petitioner has no bad antecedents.



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5. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, 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 on which the order copy is made ready, before the learned **Judicial Magistrate-I, Dharmapuri**, on condition that the petitioner shall execute a bond 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 condition that:

[a] the petitioner and the sureties shall
affix their photographs and Left Thumb



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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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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



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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.

19.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. Inspector of Police,
B1, Dharmapuri Police Station,
Dharmapuri.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate-I, Dharmapuri



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SUNDER MOHAN, J.

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