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Crl.OP.No.7810 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7810 of 2025

1.Veerappan

2.Paneerselvam

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
(Crime No.58 of 2025)

.. 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.58 of 2025 on the file of the respondent
Police.

For Petitioners : M/s.S.Saravanakumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Section 303(2) of BNS and section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.58 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners had illegally transported 6 units of pebbles.

3. Insofar as the 1st petitioner is concerned, the learned counsel seeks permission of this Court to withdraw this Criminal Original Petition. The learned counsel has made an endorsement and hence, this Criminal Original Petition is dismissed as withdrawn.

4. Insofar as the 2nd petitioner is concerned, the learned counsel appearing for the petitioner submitted that the 2nd petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail to the 2nd petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the



respondent police, while opposing the grant of anticipatory bail to the 2nd petitioner, reiterated the prosecution case and on instructions submitted that the 2nd petitioner has no bad antecedents.

6. 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 2nd petitioner has no bad antecedents and since, custodial interrogation of the 2nd petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd 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-II, Tindivanam**, 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



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learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 2nd petitioner 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

18.03.2025

Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
- 2.The learned Judicial Magistrate-II, Tindivanam.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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