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Crl.OP.No.7723 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7723 of 2025

1. D.Premkumar

2. M.Velu Mani

... Petitioner(s) /Accused

Vs.

The State of Tamil Nadu,
The Inspector of Police,
Pennalurpet, Police Station,
Thiruvallur District.
Crime No.50 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest concerned in Crime No.50 of 2025 on the file of the respondent police pending investigation and grant anticipatory bail.

For petitioner(s) : Mr.V.Bhagyaraj

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS, 2023 (Section 379 and 430 of IPC) r/w Section 21(i) of MMDR Act, in Crime No.50 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had attempted to illegally transport 6 units of river sand in a lorry.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case and prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. 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 are two previous cases against the first accused and he is on bail in those cases and there are no bad antecedents against the second accused.



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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, 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.

6. Accordingly, the petitioners are 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 **District Munsif cum Judicial Magistrate, Uthukottai** on condition that the petitioners 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



WEB COPY



CrI.OP.No.7723 of 2025

their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners 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 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.

17.03.2025

Index : Yes/No



CrI.OP.No.7723 of 2025

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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CrI.OP.No.7723 of 2025

WEB COPY
To

1. The Inspector of Police,
Pennalurpet, Police Station,
Thiruvallur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. District Munsif cum Judicial Magistrate, Uthukottai



WEB COPY



Crl.OP.No.7723 of 2025

SUNDER MOHAN, J.
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Crl.OP.No.7723 of 2025



WEB COPY



CrI.OP.No.7723 of 2025

17.03.2025