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Crl O.P.No.8170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8170 of 2025

1. Ramesh
2. Guna
Petitioners
Vs

The State Rep by,
The Sub- Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
(Crime No.90 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on
anticipatory bail in the event of arrest in Crime No. 90 of 2025 pending
on the file of the respondent police.

For petitioners:

Mr.M.Gunasekaran

For Respondent:

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 326(a) and
303(2) of the BNSS r/w Section 21(1) of the MMDR Act, 1957, in Crime



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No.90 of 2025, on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners had illegally transported 1 unit of ordinary sand.

3. The learned counsel for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; and in any case, custodial interrogation is not required and sought anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction, submitted that the petitioners have some previous cases registered during the years 2017, 2018, 2021 and 2022.

5. Considering the submissions on either side, the nature of allegations, the contraband were seized; the petitioners were arrested and released on bail in other previous cases and that the cases were registered during the years 2021 and 2022 and since custodial interrogation is not



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required, this Court is inclined to grant anticipatory bail to the petitioners subject to following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on thier appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate - 1, Arakkonam** 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further 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.

[b] the petitioners shall report 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.



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[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 of B.N.S

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To:

1. The Sub- Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
2. The Judicial Magistrate - 1, Arakkonam
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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