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CRL OP NO.8250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8250 of 2025

1. Boggala Suresh
 2. Boggala Maheswari
- petitioners/A4 & rank not know
Vs

State Rep By,
The Inspector Of Police
Pathitivedu Police Station,
Thituvallur District.
(Cr.No.47 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.47 of 2025 pending
on the file of the respondent police.

For petitioners : Mr.Arivazhagan C
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 303(2) and
326(a) of the BNS r/w Section 21(1) of the TNMMDR Act, in Crime
No.47 of 2025, on the file of the respondent police, seek anticipatory



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bail.

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2. The case of the prosecution is that the petitioners along with the other accused had illegally transported 3 units of river sand.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have been falsely implicated in this case; that the second petitioner is the owner of the vehicle and that the petitioners have no bad antecedents.

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 the petitioners have no bad antecedents.

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 were seized, the petitioners have no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail



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to the petitioners with certain conditions.

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6. 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 on which the order copy made ready, before **the District Munsif cum Judicial Magistrate, Gummidipoondi** on condition that the petitioners shall execute a separate 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;

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



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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 of B.N.S.

20.03.2025

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To:

1. The Inspector Of Police
Pathitivedu Police Station,
Thituvallur District.
2. The District Munsif cum Judicial
Magistrate, Gummidipoondi.
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.
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