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Crl.OP.No.8327 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.8327 of 2025

1. Sudhakaran

2. Surya

... Petitioner(s) /Accused

Vs.

State rep. by its Inspector of Police,

Gengavalli Police Station,

Salem District.

Crime No.35 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 their arrest in Crime No.35 of 2025, on the file of the respondent police.

For petitioner(s) : Mr.P.Surendran

For Respondent(s) : 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(1) and 62 of BNS, 2023, and Section 21(1) of MMDR Act, 1957, in Crime No.35 of 2025, seek



anticipatory bail.

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2. The case of the prosecution is that the petitioners had attempted to illegally transport gravel sand in a JCB Truck.

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 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, 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.



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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 is made ready, before the **Judicial Magistrate-II, Attur**, 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 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 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;



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[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.

21.03.2025

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



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- To
1. Inspector of Police,
Gengavalli Police Station,
Salem District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Judicial Magistrate-II, Attur.



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SUNDER MOHAN, J.

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