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Crl.O.P.No.8766 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.8766 of 2025

1. Dakshnamoorthy
S/o. Kalyanasundaram.

2. Pandikannan
S/o. Sankaran

....Petitioners/Accused 1 & 2

Vs

The State Rep. by
The Inspector of Police,
Thalayamangalam Police Station,
Thiruvarur District.
Crime No.16 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest **in Crime No.16 of 2025**, pending on the file of the respondent police.

For Petitioners : Mr. Swami Subramanian

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



ORDER

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The petitioners/Accused 1 & 2, who apprehend arrest at the hand of the respondent police for the offences punishable under Sections 303(2) of BNS 2023 (379 of IPC) and Section 21(1) of Mines and Minerals (Development & Regulation) Act, in Crime No.16 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, on 10.03.2025, the petitioners were found illegally transporting 6 units of gravel sand. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners are innocent; that the petitioners have been falsely implicated in this case and that they are ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the first petitioner has no previous case and the second petitioner has two



previous cases, one in similar nature and in the other case he is on bail.

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5.Considering the nature of allegations, the fact that the contraband was seized 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District**, on condition that each of the petitioner 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 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



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or Bank pass Book to ensure their identity.

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

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

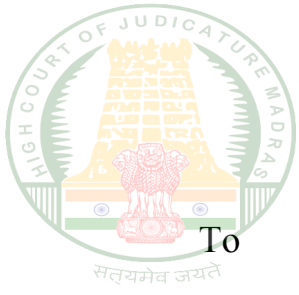
[d] the petitioners shall not abscond either during investigation or trial.

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

26.03.2025

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To

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1. The Judicial Magistrate No.I, Mannargudi, Thiruvarur District
2. The Inspector of Police,
Thalayamangalam Police Station,
Thiruvarur District
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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