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Crl.O.P.No.8883 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.8883 of 2025

1. Prasanth
S/o. Elumalai

2. Mahendran
S/o. Perumal

....Petitioners/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Somangalam Police Station,
Tambaram, Chengalpattu.
Crime No.53 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.53 of 2025**, pending on the file of the respondent police.

For Petitioners : Mr. K. Karthik

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



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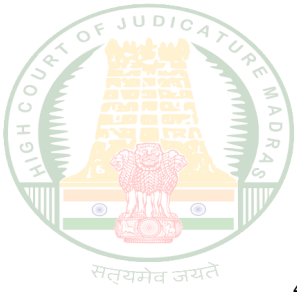
ORDER

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The petitioners/Accused (rank unknown), who apprehend arrest at the hand of the respondent police for the offences punishable under Sections 326, 303(1) of BNS, 2023 r/w 21(1) of Mines and Mineral Act 1957, in Crime No.53 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, on 08.03.2025, the accused 1 to 4 were found illegally transporting 10 units of river sand at Kambangadu river in Tipper Lorries bearing Registration Nos. TN 87 D 5564 and TN 18 R 6868, TN 87 V 8851 using a JCB bearing Registration No. TN 87 E 3015 and that the petitioners are owner and driver of the vehicle respectively. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have nothing to do with the alleged offence; that a false case has been registered against the petitioners and that they are ready to furnish any solvent sureties imposed by this Court and ready to co-operate with the investigation and sought for anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband and the vehicles were seized and that the petitioners have no bad antecedents.

5. Considering the nature of allegations, the fact that the contraband was seized, the petitioners have no bad antecedents 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, Sriperumbudur**, 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



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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 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.



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To

1. The Judicial Magistrate, Sriperumbudur
2. The Inspector of Police,
Somangalam Police Station
Tambaram, Chengalpattu.
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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