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Crl.OP.No.9296 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9296 of 2025

1.Velu @ Velmurugan
2.Vinothkumar
3.Ramasamy

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.152 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.152 of 2025 on the file of the respondent Police.

For Petitioner : M/s.Thirumalaivasan Pachiyappan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



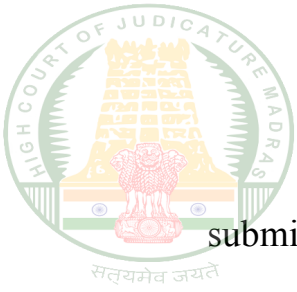
police for the offences punishable under Section 303(2), 326(a) of BNS r/w
Section 21 (1) of Mines and Minerals (Development & Regulation) Act
1957 in Crime No.152 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners had illegally transported 3 units of pebbles.

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 petitioner, reiterated the prosecution case and on instructions submitted that there are 5 previous cases pending against the 1st petitioner and one previous case pending against the 2nd and 3rd petitioners.

5. At this juncture, the learned counsel for the petitioners would



WEB COPY

submit that the petitioners, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. Considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to **“District Legal Services Authority, Cuddalore District”**, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, 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.

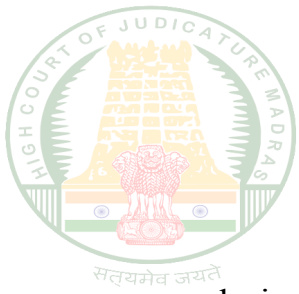


WEB COPY 8.

Accordingly, petitioners are directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousan Only]** directly to the credit of **“District Legal Services Authority, Cuddalore District”**, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 ***Learned Judicial Magistrate-I, Virudhachalam***, 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 learned Magistrate concerned, 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.



CrI.OP.No.9296 of 2025

[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 Petitioner in accordance with law as if the conditions have been imposed and the Petitioner 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.

28.03.2025

Index : Yes / No

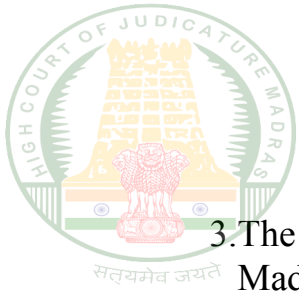
Internet : Yes / No

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To

1.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

2.The Learned Judicial Magistrate-I,
Virudhachalam.



Crl.OP.No.9296 of 2025

3. The Public Prosecutor,
Madras High Court,
Chennai.

WEB COPY

SUNDER MOHAN , J.

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Crl.O.P.No.9296 of 2025