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CRL OP NO. 9575 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9575 of 2025

Suresh

Petitioner/A2

Vs

The State Rep By
The Inspector of Police
Palacode Police Station,
Dharmapuri District.
(Crime No.336 of 2024)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 336 of 2024 pending
on the file of the respondent police.

For Petitioner	:	Mr.Elavarasan M R
For Respondent	:	Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 303(2) of the BNS, 2023
in Crime No.336 of 2024, on the file of the respondent police, seeks
anticipatory bail.



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2. The case of the prosecution is that the petitioner had illegally transported 2 units of river Norambu sand.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the co-accused/A1 was arrested and released on bail and prayed for anticipatory bail to the petitioner.

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 the petitioner has 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 was seized, the co-accused/A1 was arrested and released on bail, the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of



investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Palacode, Dharmapuri District** on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.



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

[d] the petitioner 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 of B.N.S.

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To

1. The Inspector of Police
Palacode Police Station,
Dharmapuri District.
2. The Judicial Magistrate Palacode,
Dharmapuri District.
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

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