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CRL OP NO. 9655 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9655 of 2025

1. Rathakrishnan
2. Ramakrishnan

Petitioner(s)

Vs

State Rep. By
The Inspector Of Police, Vellakovil Police Station,
Tiruppur District. Crime No.109 Of 2025

Respondent(s)

For Petitioner(s):

Mr.C.S.Saravanan

For Respondent(s):

Mr.S.Balaji

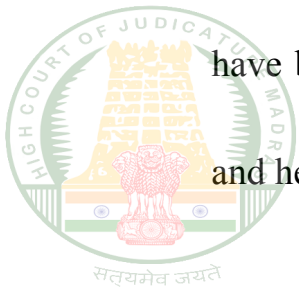
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under under Sections 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 (379 of IPC) and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.109 of 2025.

2. The case of the prosecution is that the petitioners/accused were found to be in possession of 6 units of gravel sand.

3. The learned counsel for the petitioners submitted that the contraband



have been seized and that the custodial interrogation is not required in the circumstances and hence prayed to grant 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 on instructions submitted that the contraband was seized and that there is no previous case against the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the submissions made on either side; nature of allegation; that the contraband was seized; the petitioners have no 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 subject to the following conditions:

7. Accordingly, the petitioners are 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 is made ready, before the **Judicial Magistrate Court, Kangeyam** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the



satisfaction of the respondent police or the police officer who intends to

to the satisfaction of the learned Magistrate concerned, failing which, the petition

for anticipatory bail shall stand dismissed and on further conditions that:

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[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] 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 is 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];**

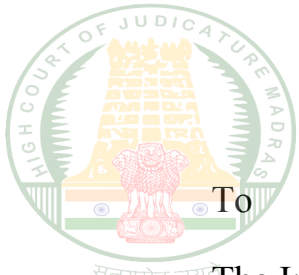
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

02-04-2025

msv

SUNDER MOHAN,J.

msv



To

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The Inspector Of Police,
Vellakovil Police Station,
Tiruppur District.

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