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Crl.OP.No.10834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10834 of 2025

1.Sridhar
2.Selvan

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Kallakurichi Police Station,
Kallakuruchi District.
(Crime No.203 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.203 of 2025 on the file of the respondent Police.

For Petitioner : M/s.Balachandran T

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 Section 303(2) of BNS, 2023 r/w



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Section 21(1) of Mines and Mineral (Development Regulation) Act, 1957

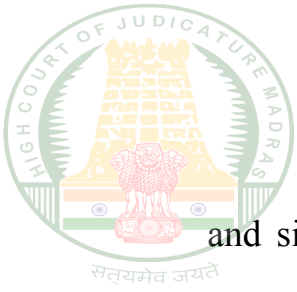
and in Crime No.203 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 3 ½ units of gravel sand.

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 petitioners, reiterated the prosecution case and on instructions submitted that there is one previous case pending against the first petitioner and he is on bail in that case and the second petitioner has no bad antecedents.

5. Taking note of the facts and circumstances of the case, nature of allegations, the fact that the contraband was seized, the first petitioner is on bail in the other case and the second petitioner has 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 petitioner 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 is made ready, before the **learned Judicial Magistrate No-I, Kallakurichi, Kallakurichi District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 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.



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[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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
dpa



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To

- 1.The Inspector of Police,
Kallakurichi Police Station,
Kallakuruchi District.
- 2.The learned Judicial Magistrate No.I
Kallakurichi, Kallakurichi District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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