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Crl.O.P.No.10432 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10432 of 2025

1. Sudhakar
S/o. Rajendiran

2. Baskaran
S/o. Balu

....Petitioners/Accused 1& 2

Vs

The State Rep. by
The Inspector of Police,
Katpadi Police Station
Vellore District
Crime No.92 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.92 of 2025**, pending on the file
of the respondent police.



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For Petitioners
For Respondent

: Mr. D. Thirumoorthy
: 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 Sections 303(2) of BNS, 2023 (379 of IPC) and 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.92 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 20.03.2025, M-sand was illegally transported in a TATA tipper lorry bearing Registration Number TN 23 DA 9029 from Andhra Pradesh; that on seeing the respondent police, the driver of the lorry escaped from the scene of occurrence and that a case has been registered in the abovementioned crime number against the petitioners, who are the owner and the driver of the said lorry.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have not committed any



offence; and that the petitioners are ready to furnish sureties and to abide by any conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioners.

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

5. Considering the aforesaid facts, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the contraband was seized and that 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**



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Judicial Magistrate, Katpadi, 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 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 everyday 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,



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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.

08.04.2025

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To

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



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SUNDER MOHAN, J.

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