



Crl.O.P.No.12063 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12063 of 2025

1.Sundaramurthy

2.Kalpana

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kanai Police Station,
Villupuram District.
(Crime No.55 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
his arrest in Crime No.55 of 2025 on the file of the respondent Police.

For Petitioners : Mr.Magesh Kumar

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 Sections 303(2) of BNS, 2023 r/w
Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime No.55 of 2025, seek anticipatory bail.



Crl.O.P.No.12063 of 2025

WEB COPY

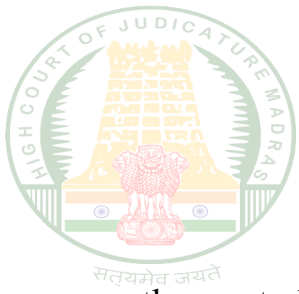
2.The case of the prosecution is that the petitioners had illegally transported 3 units of rock sand.

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 the petitioners have no bad antecedents.

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

6.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



CrI.O.P.No.12063 of 2025

the contraband was seized, 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.

7. Accordingly, 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 ***Judicial Magistrate Court No.I, Villupuram***, on condition that the petitioners 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 conditions that:

[a] the petitioners shall report before the respondent police daily at 10.00 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



CrI.O.P.No.12063 of 2025

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]**;

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

23.04.2025

gbi



Crl.O.P.No.12063 of 2025

WEB COPY

To

1. The Judicial Magistrate Court No.I,
Villupuram.
2. The Inspector of Police,
Kanai Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.12063 of 2025

SUNDER MOHAN., J.

gbi

CrI.O.P.No.12063 of 2025

23.04.2025