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Crl.OP.No.11482 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11482 of 2025

1.Gopalakrishnan
2.Palanisamy

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Crime No.453 of 2024)

.. 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 arrest in Crime No.453 of 2024 on the file of the respondent Police.

For Petitioners : M/s.P.Kannan

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Section 303(2) of BNS Act r/w
Section 21(1) Mines and Mineral (Development and Regulation) Act in
Crime No.453 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally attempting to transport lake soil in JCB Vehicle.

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 are two previous cases pending against the first petitioner, in which he is on bail, and that the second petitioner has no bad antecedents.

5. 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 the contraband was seized, the first petitioner is on bail in the other cases 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 petitioners with certain conditions.

7. 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 **Judicial Magistrate, Tirukoilur**, 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.



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[b] the petitioners shall report before the respondent police daily 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, 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
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To

- 1.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
- 2.The Judicial Magistrate, Tirukoilur
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN , J.

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