



Crl.OP.No.12204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12204 of 2025

1. Arunkumar
2. Sankarganesh
3. Ranjith
4. masila

.. Petitioners/A2 to A5

Vs.

The State Rep. by
The Inspector of Police,
Adhamangalampudhur Police Station,
Tiruvannamalai District.
(Crime No.27/2025)

.. 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 their arrest in Crime No.27/2025 on the file of the respondent
Police.

For Petitioners : Mr.E.Sathiyaraj Elangovan

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 132, 115(2), 303(2), 326(a), 351(2) of BNS, 2023 (corresponding Section 294(b), 353, 323, 379, 430, 506 of IPC r/w. Section 21 (1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.27/2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported 3 units of Red soil in a Tipper Lorry vehicle without valid licence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and 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



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petitioners, reiterated the prosecution case and on instructions, submitted that the fourth petitioner/A5 has four previous cases, out of which, one is of similar nature and is on bail in those cases; and that the other petitioners/A2 to A4 have no bad antecedents.

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

6. Taking note of the facts and circumstances of the case, nature of allegations against these petitioners, submissions made by the learned counsel on either side, the fact that the contraband was seized and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on the 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



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from the date on which the order copy is made ready, before the **Judicial Magistrate, Kalasapakkam, Tiruvannamalai District** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 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]**;



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[f] If the accused thereafter abscond, a fresh FIR can be registered under

Section 269 BNS.

gbi

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Index : Yes / No

Internet : Yes / No

To

- 1.The Inspector of Police,
Adhamangalampudhur Police Station,
Tiruvannamalai District.
- 2.The Judicial Magistrate,
Kalasapakkam, Tiruvannamalai District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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