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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12807 of 2025

1. Ramesh
S/o Subramani,
No.117, Perumal Kovil Street,
Maragathapuram, Villupuram-605401.

2. Kabali @ Kabaleeswaran
S/o Subramaniyan,
No. 2/189, Perumal Kovil Street,
Maragathapuram, Villupuram-605401.

4. Dhivagar
S/o Mahalingam, No. 2/232,
Agrahara Street, Maragathapuram,
Villupuram-605401.

6. Prabu
S/o Sundaramurthy,
No. 1/80, North Street,
Maragathapuram, Villupuram-605401.

8. Ganesan @ Vignesh
S/o Ramakrishnan,
No. 2/188, Perumal Kovil Street,
Maragathapuram, Villupuram-605401.

Petitioner(s)

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Vs

State Rep by
The Inspector of Police
Villupuram Taluk Police Station,
Villupuram District.
(Crime No. 276 of 2025)

Respondent(s)

CRL OP No. 12807 of 2025

PRAYER

To enlarge the petitioners on anticipatory bail in the event of their arrest pending investigation in Crime No. 276 of 2025 on the file of respondent police and thus render justice.

CRL OP No. 12807 of 2025

For Petitioner(s): Mr. Saravanabhavan G
For Respondent(s): Mr. S. Balaji,
Government Advocate

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(b) of BNS Act, 2023 in Crime No. 276 of 2025, on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that, the petitioners illegally transported ¼ unit of river sand each in two tipper lorries without any valid license. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; and that the first petitioner to prove his bonafide is willing to deposit a sum of Rs.10,000/- to the credit of Tamil Nadu State Legal Services Authority, High Court Campus, Chennai and prayed for anticipatory bail for the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the contraband was seized. He further submitted that the first petitioner/A1 has five previous cases and other petitioners/accused have no bad antecedents.

5. Considering the nature of allegations, the fact that the first petitioner undertakes to deposit a sum of Rs.10,000/- to the credit of Tamil Nadu State

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Legal Services Authority, High Court Campus, Chennai, the fact that the contraband was seized and since the 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 of receipt of copy of this order, before the **learned Judicial Magistrate-I, Villupuram** on condition that the petitioners shall execute 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 said Magistrate, 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 as and when required for interrogation.

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(c) the first petitioner shall deposit a sum of Rs.10,000/- within a period of two weeks from the date of receipt of copy of this order to the Tamil Nadu State Legal Services Authority, High Court Campus, Chennai failing which anticipatory bail granted by this Court shall stand dismissed automatically without any further reference in respect of first petitioner.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25-04-2025

AT

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CRL OP No. 12807 of 2025

To

1.State Rep by The Inspector of Police
Villupuram Taluk Police Station,
Villupuram District. (Crime No. 276 of 2025)

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SUNDER MOHAN, J.

AT

CRL OP No. 12807 of 2025

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