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Crl. O.P. No.12970 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.12970 of 2025

1.K.Mathesh
2.S.Arulmurugan

... Petitioners

Vs.

The State represented by-

The Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.175 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.175 of 2025 pending investigation on the file of the Inspector of Police, Sankari Police Station, Salem District.

For Petitioner : Mr.A.Saravanan
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 21(1) of Mines and Minerals Act, 1957 and Section 303(2) of BNS, 2023 in Crime No.175 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that, the second petitioner was found illegally transporting 2 units of Rough Stones in the first petitioner's vehicle bearing Reg. No.TN 52 Q 7009. Hence the case.

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. Considering the nature of allegations, the fact that 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.



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 is made ready, before the **learned Judicial Magistrate No.1, Sankari** on condition that the petitioners shall execute a separate 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.

[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, 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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SUNDER MOHAN , J.

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

28.04.2025

Index : Yes / No
Internet : Yes / No
rkp

To

- 1.The Inspector of Police,
Sankari Police Station,
Salem District.
- 2.The learned Judicial Magistrate No.1,
Sankari.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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