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CrI.O.P.No.13322 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 13322 of 2025

Mahalingam

Petitioner(s)

Vs

The State Represented by,
The Sub-Inspector Of Police,
Ariyoor Police Station,
Vellore District.
(Crime No.65 of 2025)

Respondent(s)

For Petitioner(s): Mr.M.R.Thangavel

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.65 of 2025 on the file of the Respondent.

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 303(2), 326(a) of BNS, in Crime No.65 of 2025 on the file of the respondent police, seeks anticipatory bail.



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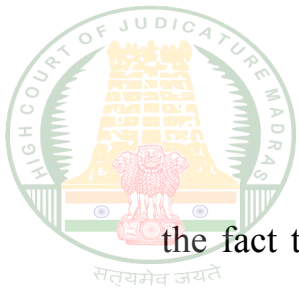
2. The case of the prosecution is that, the accused had illegally transported 6 units of river sand in a lorry.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner is sought to be implicated based on the confession of the co-accused; that the petitioner is the owner of the lorry and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions confirmed that the petitioner was implicated in this case based on the confession statement recorded from A1; that the sand was seized and that the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Considering the nature of allegations, contraband has been seized,



the fact that the petitioner is sought to be implicated based on confession of

co-accused, the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Vellore**, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m, until further



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orders.

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

SUNDER MOHAN J.

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[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 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]*.

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

drl

29-04-2025

To

1. The Sub-Inspector Of Police,
Ariyoor Police Station,
Vellore District.

2. The Public Prosecutor,
High Court, Madras.

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