



Crl.OP.No.13383 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13383 of 2025

1.Jothi @ Aruljothi
2.Santhoshkumar

.. Petitioners/A1 & 2

Vs.

The State rep by
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.

(Crime No.207 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.207 of 2025 on the file of the respondent Police.

For Petitioners : Mr.G.Saravanabhavan

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w Section 21(1) Mines & Minerals (Development & Regulation) Act, in Crime No.207 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported $\frac{1}{4}$ unit of river sand in a bullock cart. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have no bad antecedents; that the contraband was seized 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 contraband was seized and that the petitioners have no bad antecedents.



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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 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.

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 – II, Ulundurpet**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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



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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]**;

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

29.04.2025

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To



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1.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.

2.The Judicial Magistrate – II, Ulundurpet.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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