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CrI.O.P.No.17454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.17454 of 2025

1.M.Murugesan
2.M.Rajendiran

... Petitioners

Versus

The State by Inspector of Police,
Nangavalli Police Station,
Salem District.
(Crime No.276 of 2024)

... 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 by the respondent police in Crime No.276 of 2024, pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable u/s 303(2) of BNS, 2023



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and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957,
in Crime No.276 of 2024, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners are alleged to have transported three units of gravel sand illegally without valid permission of the Government Authority. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, the petitioners are ready to abide any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are arrayed as A1 and A2 and the quantity of sand involved is three units of gravel sand. He further submitted that there are four previous cases against the 1st petitioner and there are five previous cases against the 2nd petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case that sand involved is Gravel sand and since custodial interrogation of the petitioners is not required, 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, Mettur**, on condition that each of the petitioners 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 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;



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[b] the petitioners shall report before the respondent Police everyday at 10.30 a.m. for a period of two (2) weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

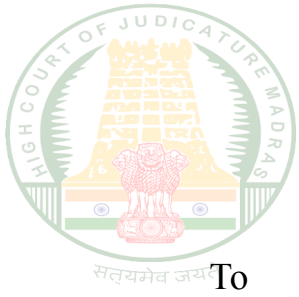
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 of B.N.S.

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To

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



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G.K.ILANTHIRAIYAN, J.

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