



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15323 of 2025

1.T.Vinoth

2.PKS Paranthaman @ Paranthaman

...Petitioners/Accused - 1 & 2

Vs.

The State rep. by
The Sub - Inspector of Police,
F-5, Pathirivedu Police Station,
Thiruvallur District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the respondent in respect of the Crime No.69 of 2025, on the file of the respondent.

For Petitioners : Mr.N Ramesh

For Respondent : Mr.R.Vinothraja
Government Advocate(Criminal Side)

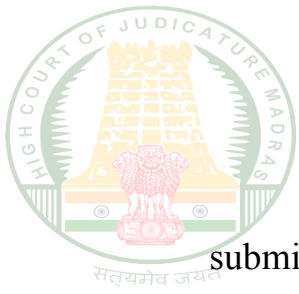


ORDER

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of the Bharatiya Nyaya Sanhita (under Sections 379 and 430 of the IPC) r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.69 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A1 and A2 had illegally transported gravel sand using Hitachi vehicles. Hence, the case.

3. The contention of the petitioners is that the first petitioner is a Supervisor under one Mr.P.Bala Murugan and the second petitioner is the owner of the Hitachi vehicles. The said Mr.P.Bala Murugan was permitted by the Government of Andhra Pradesh to quarry gravel in Survey No.186/3 of Madanamjeri Village, Sathyavedu Mandal, Chittoor District, Andhra Pradesh, which is adjacent to the State of Tamil Nadu. It has been wrongly projected as the petitioners/A1 and A2 using two porcelains to excavate the gravel sand in Karadiputhur Village.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioners had excavated around thirty loads of gravel sand in Karadiputhur Village in the state of Tamil Nadu; that the petitioners' claim that they had a license and quarried in the State of Andhra Pradesh is not correct; that the detailed survey to be conducted and now on a rough estimate it is found that thirty loads each, valued at Rs.5,000/- (Rupees Five Thousand only), totaling Rs.1,50,000/- (Rupees One Lakh Five Thousand only) in loss has been caused; and that there is no previous case against the petitioners.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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 a copy of this order before the learned **District Munsif cum Judicial Magistrate, Gummidipoondi, Thiruvallur District,**



on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** 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/A1 and A2 shall deposit a sum of Rs.1,50,000/-(Rupees One Lakh Fifty Thousand only) (Non refundable) towards the account of CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai - 36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the learned District Munsif cum Judicial Magistrate, Gummidipoondi, Thiruvallur District and the receipt shall be produced at the time of executing the bond.

[b] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[c] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[d] the petitioners shall report before the respondent Police daily at 10.30 a.m until further orders;

[e] the petitioners shall not directly or indirectly cause any threat to the *de-facto* complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall make themselves available for interrogation by a Police officer as and when required;

[g] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

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

[i] 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



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by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560];

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

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Index : Yes / No

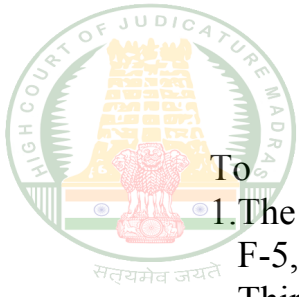
Internet : Yes / No

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Note :

1. Registry is directed to forthwith
upload this order in the Official Website
of this Court.

2. All concerned to act on this order
being uploaded in Official Website of
this Court without insisting on certified
hard copies. To be noted, this order
when uploaded in the official website of
this Court will be watermarked and will
also have a QR code.



To

1. The Sub - Inspector of Police,
F-5, Pathirivedu Police Station,
Thiruvallur District.

2. The District Munsif cum Judicial Magistrate,
Gummidipoondi,
Thiruvallur District.

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

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M.NIRMAL KUMAR, J.
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