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Crl.O.P.No.15294 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15294 of 2025

1.Suresh @ Boggala Suresh
2.Maheswari @ Boggala Maheswari

... Petitioners

-VS-

The State Represented by,
The Inspector of Police,
F-5 Padhirvedu Police Station,
Madharpakkam, Thiruvallur District.
(Crime No.47 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the
event of their arrest by the respondent police in Crime No.47 of 2025 pending
investigation on the file of the respondent police.

For Petitioners : Mr.P.Senthil

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER



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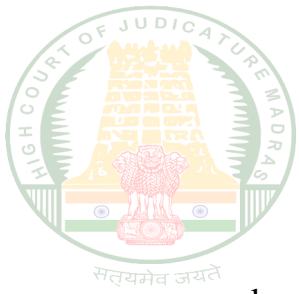
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The petitioners/A4 & A6, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 303(2), 326(a) of BNS Act and Section 21(1) of Mines & Minerals (Development Regulation) Act, 1957 in Crime No.47 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of three units of river sand using three Tractors, without proper license. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners are the owner and driver of one of the Tractor. He further submitted that the petitioners, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



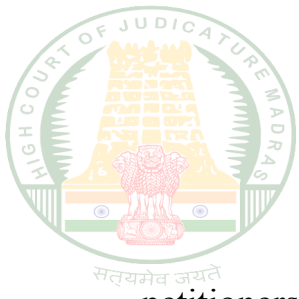
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respondent police submitted that the petitioners were found in illegal transportation of three units of river sand using three Tractors, without any valid permission from the competent authority. He further submitted that the petitioners have no bad antecedents. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the offence, the petitioners have no previous case pending against them and considering the fact that the petitioners without prejudice their rights, on their own volition, are ready and willing to contribute some amount to any charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the



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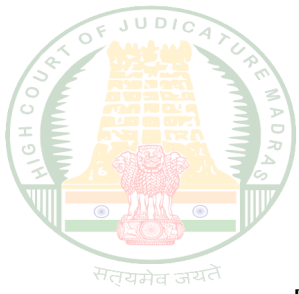
petitioners, subject to certain conditions.

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8. Accordingly, this Criminal Original Petition stands allowed and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Gummidipoondi**, 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 learned Magistrate concerned and on further condition that:

(a) the petitioners shall make a non-refundable deposit of **Rs. 5,000/- (Rupees Five Thousand only) jointly** to the credit of **"The Dean/Medical Officer, Government Stanley Medical College Hospital, Chennai"**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court.

[b] the petitioners shall report before the concerned **Judicial Magistrate daily at 10.30 a.m, from Monday to Friday** and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.



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[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 B.N.S.2023.

21.05.2025

drl

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.”



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To

- 1.The Inspector of Police,
F-5 Padhirvedu Police Station,
Madharpakkam, Thiruvallur District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The District Munsif cum Judicial Magistrate,
Gummidipoondi.



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N.SENTHILKUMAR,J

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