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Crl.O.P.No.15981 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2025

CORAM

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN  
THILAKAVADI**

**CRL.OP No. 15981 of 2025**

1. Vijayakumar  
2. Seethapathy

... Petitioners/A1 & A2

vs

The State Represented by,  
The Inspector of Police,  
D-4, R.K.Pet Police Station, R.K.Pet,  
Thiruvallur District.  
(Crime No. 179 of 2025)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on  
anticipatory bail in the event of his arrest in Crime No.179 of 2025 on the  
file of the Respondent.

For petitioners : Mr.K.G.Senthil kumar  
For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

**ORDER**

The petitioners, who apprehend arrest at the hands of the  
respondent police for the alleged offences under Section 303(2) and 326(a)  
of BNS Act r/w 21(1) of the Mines & Minerals (Development Regulation)  
Act, 1957 in Crime No.179 of 2025, seek anticipatory bail.



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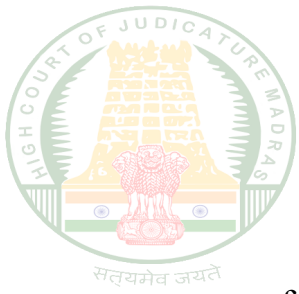
2. The case of the prosecution is that the petitioners were found illegally transporting gravel sand of 2.5 units in each lorry ( totally 5 units) of gravel sand without valid permit. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence and they have been falsely implicated in this case; that the first petitioner is the owner cum Driver of the lorries and the second petitioner is the Driver of the lorry. He further submitted that the petitioners, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.10,000/-, to any welfare scheme of the Government or any other organization. Hence, he prays for grant of 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 were seized.

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

6. Further, considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a



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sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **Tamil Nadu Advocate's Clerk's Association', Account Name:Tamil Nadu Advocate's Clerk's Association, Account No.484026006, Branch:Indian Bank, High Court, IFSC.No.IDIB000M157** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the contraband were seized, 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.

8. 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 made ready, before **the learned District Munsif Cum Judicial Magistrate, Pallipattu, Thiruvallur District** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** 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, and on proof of payment of



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deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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.

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two months and thereafter as and when required.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioners



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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.

28.05.2025

GV

**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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**K. GOVINDARAJAN THILAKAVADI**

GV

To:

1. The District Munsif Cum Judicial Magistrate,  
Pallipattu, Thiruvallur District
2. The Inspector of Police,  
D-4, R.K.Pet Police Station, R.K.Pet,  
Thiruvallur District.
3. The Public Prosecutor,  
High Court, Madras.

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