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CRL OP No. 17123 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17123 of 2025

1. VIJAYAKUMAR

2. SRINATH

Petitioners/Accused Nos.1, 2

Vs

The Sub Inspector of Police

Vellore Taluk Police Station, Vellore

District (Crime No..120 of 2025)

Respondent

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on Anticipatory Bail in the event of their arrest by the respondent police in Crime No.120 of 2025 on the file of respondent police.

For Petitioners: Mr.Thangavel M R

For Respondent: Mr.Vinoth Raja Ga (crl. Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2), 326(a) of BNS Act 2023, (Corresponding to Sections 379, 430 of IPC), in Crime No.120 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are illegally transported 1 unit of river sand in Ashok Leyland lorry bearing Registration No.TN-37-AB-9801. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However on instruction, he would further submit that without prejudice to his defence, the petitioners is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the 1st petitioner has one previous case; and that investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. 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.

6. Considering the submissions made by the learned counsel appearing on either sides, nature of the allegations and since, custodial interrogation of the petitioners is not required, 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 made ready, before **the learned Judicial Magistrate-I, Vellore** on condition that the petitioners shall execute a separate



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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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] The petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each (Non refundable) towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER EDUCATION AND RESEARCH, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Current Account No.471533180, IFSC Code No.IDIB000S180 and to produce the Bank Challan before the Judicial Magistrate-I, Vellore and the receipt shall be produced at the time of executing the bond;

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

[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 identify proofs to



ensure their identity;

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

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

[f] the petitioners shall make himself available for interrogation by a Police office 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, he 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 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

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1. The Sub Inspector of Police
Vellore Taluk Police Station, Vellore
District (Crime No..120 of 2025)
2. The Judicial Magistrate-I, Vellore.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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