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Crl.OP.No.17453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2025**

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO.17453 of 2025

1.Naveenkumar

2.Venkatachalam

3.Ezhumalai

Petitioners

Vs

The State Rep By
The Inspector of Police
Nangavalli Police Station,
Salem.

(Crime No.169 of 2025)

Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on anticipatory
bail in the event of arrest in Crime No.169 of 2025 pending on the file of the
respondent police.

For Petitioners : Mr.P.Praveen

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 303 (2) of BNS, r/w.
Section 21 (1) Mines and Minerals (Development and Regulation Act), in
Crime No.169 of 2025, on the file of the respondent police, seek anticipatory



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bail.

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2.The case of the prosecution is that, the petitioners had illegally transported red sand in a Tipper Lorry. Hence the case.

3.The contention of the learned counsel for the petitioners is that the petitioners are innocent persons and they had been falsely implicated in this case. He further submitted that the petitioner, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- each 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 (Criminal Side) appearing for the respondent police reiterated the prosecution case and 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. Having heard the learned counsel for the petitioners and the



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learned Government Advocate (Criminal Side) for the respondent Police and

perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and **petitioners are directed to make a non-refundable deposit of Rs.10,000/- [Rupees Ten Thousand Only] each** directly to the credit of **of Sri Ramachandra Institute of Higher Education and Research, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Account No.471533180 IFSC Code No.IDIB000S180**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof before the concerned Magistrate at the time of executing bond, 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 **Judicial Magistrate No.I, Mettur, Salem 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:



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

[b] 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;

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

[d] 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;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;

[f] 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;

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

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action



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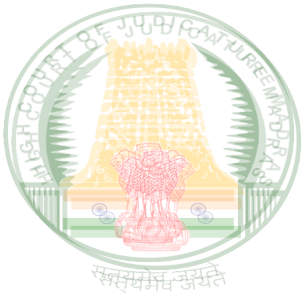
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against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

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M.NIRMAL KUMAR, J.

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To:

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

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