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CRL OP No. 17720 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17720 of 2025

1. Sanjeevi
2. Savitha

Petitioners

Vs

The State rep by its, The Inspector of
Police,
Kallakurichi Police Station,
Kallakurichi District. Crime No.356 of
2025

Respondent(s)

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 in. Cr. No. 356 of 2025 on the file of the respondent
police and thus render justice.

For Petitioner(s): Mr.Raji Rajkumar

For Respondent(s): M/s. R. 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), of BNS Act 2023, r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.356 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 3 units of red sand. 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.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting



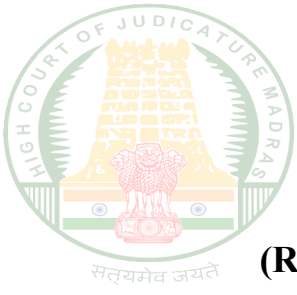
anticipatory bail to the petitioners.

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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 No.I, Kallakurichi** on condition that the petitioners shall execute a separate 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:



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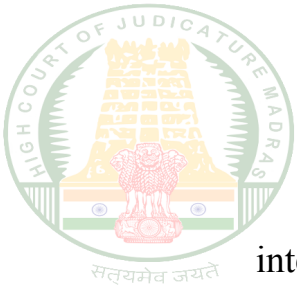
[a] The petitioners shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) (Non refundable) towards the account of SRI RAMACHANDRA INSTITUTE OF HIGHER EDUCATION AND RESEARCH, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Current Account No.471533180, IFSC Code No.IDIB000S180 and to produce the Bank Challan before the Judicial Magistrate No.I, Kallakurichi 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;



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[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.

27-06-2025

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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 State rep by its, The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District. Crime No.356 of
2025
2. The Judicial Magistrate-I,
Kallakurichi.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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