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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17781 of 2025

1.Desikamani
2.Sathya @ Sathyamoorthy ... Petitioners

Vs

The State Rep. by
The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No.95 of 2025). ... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in the event of their arrest in Crime No.95 of 2025 on the file of the respondent Police.

For Petitioners : Mr.K.Sathish Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side)

ORDER

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The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 303(2) & 326(a) of BNS, 2023 in Crime No.95 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported 6 bags of river sand each containing 25 kgs in a two wheeler. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that 1st petitioner has eight previous cases and the 2nd petitioner has no previous case.

5.Considering the nature of allegation, this Court is inclined to grant

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anticipatory bail to the petitioners with certain conditions.

6.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.III, Vellore 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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

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everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for further interrogation;

[d]the 1st petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and 2nd petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) (Non refundable) towards the account of CANCER INSTITUE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute (WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai36, bearing SB Acccount No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the Judicial Magistrate No.III, Vellore and the receipt shall be produced at the time of executing the bond;

[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 themselves available for interrogation by the respondent 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

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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 petitioner 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.

08.07.2025

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To

1.The Judicial Magistrate No.III,
Vellore.

2.The Inspector of Police,
Virudampet Police Station,
Vellore District.

3.The Public Prosecutor,
Madras High Court.

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M.NIRMAL KUMAR, J.

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