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CrI.O.P.No.18393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.18393 of 2025

S.Prakash

... Petitioner

Versus

State rep. by,
Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Cr.No.349 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.349 of 2025 on the file of respondent Police.

For Petitioner : Mr.T.Balachandran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable u/s 303(2) of BNS Act, 2023 r/w Section 21(1) of Mines and Minerals (Development &



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Regulation) Act, 1957, in Crime No.349 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have illegally transported 50 kilograms of river sand by using a two wheeler bearing Regn.No.PY-05-V-4575 without any license. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submits that the petitioner is ready to abide any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the case of the prosecution and submitted that there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Considering the above facts and circumstances of the case and the fact that petitioner has no bad antecedents and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Thirukoilur, Kallakurichi District**, on condition that the petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the



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respondent Police as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

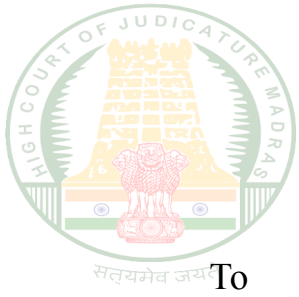
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To
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- 1.The Judicial Magistrate,
Thirukoilur, Kallakurichi District.
- 2.The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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