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Crl.O.P.No.19655 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19655 of 2025

1.Sarathi
2.Suresh

... Petitioners

Vs.

State by
The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.
(Crime No.178 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the first petitioner on
anticipatory bail in the event of arrest by the respondent police in pending
Crime No.178 of 2025 on the file of the respondent police.

For Petitioners : Mr.R.Ramesh

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



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ORDER

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.178 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 3 units of savudu mud without valid license. Hence the case.

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



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4. The learned Government Advocate (Criminal.Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioners are 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**



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Magistrate No.II, Villupuram, Villupuram District, on condition that the petitioner 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] **The petitioners shall deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand only) (Non refundable) towards the account of Tamil Nadu Advocate's Clerk's Association, in Account No.484026006, IFSC Code: IDIB000M157, Indian Bank, Madras High Court Branch, High Court, Chennai – 600 104 and to produce the Bank Challan before the Judicial Magistrate No.II, Villupuram, Villupuram District 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;



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[c] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity 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 abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

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

[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



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days, he shall comply to the directions as may be given by the Court in this regard;

[h] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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To:

1.The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.
(Crime No.178 of 2025)

2.The Judicial Magistrate No.II, Villupuram,
Villupuram District.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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