



CRL OP NO.19107 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO.19107 of 2025

1.Dhilip Kumar

2.Bharath

Petitioner(s)

Vs

The State rep by

The Sub Inspector of police
Sandavasal Police Station,

Sandavasal, Tiruvannamalai District.

(Crime no.245 of 2025)

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.245 of 2025 on the file of the respondent police.

For Petitioner(s):

Mr.B.Jawahar

For Respondent(s):

Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences



punishable under Section 303 (2), 326 (A) of BNS Act, r/w 21 (l) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.245 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioners were found in illegal transportation of 3 units of river sand without any valid permit. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. The petitioners, without prejudice to their defense are ready and willing to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) each as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the fact that the petitioners had come forward to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) as non-



refundable deposit to any welfare scheme of the Government or any other org and

since custodial interrogation of the petitioners is not required, this Court is inclined to grant

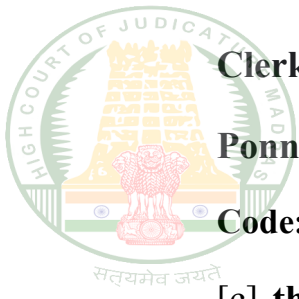
anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners shall deposit a sum of **Rs.20,000/-** (Rupees Twenty Thousand only) each as non refundable deposit to the credit of the **Ponneri Advocate Clerk's Association, Kancheepuram Central Co-Operative Bank Ltd., Ponneri - 601 204, Thiruvallur District, in Account No. 717907005; IFSC Code: TNSC0010200**, and on such deposit, 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, Polur** 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 petitioners shall deposit a sum of **Rs.20,000/-** (Rupees Twenty Thousand only) each as non refundable deposit to the credit of the **Ponneri Advocate**



Clerk's Association, Kancheepuram Central Co-Operative Bank



Ponneri - 601 204, Thiruvallur District, in Account No. 717907005; IFSC

Code: TNSC0010200.

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[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 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;

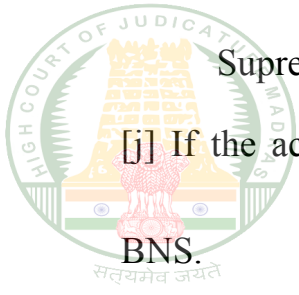
[e] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall make 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 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];



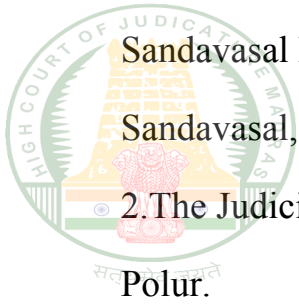
[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To
1.The Sub Inspector of police



Sandavasal Police Station,

Sandavasal, Tiruvannamalai District.

2.The Judicial Magistrate

Polur.

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3.The Public Prosecutor

Madras High Court.

M.NIRMAL KUMAR, J.



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