



CRL OP NO.19081 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO. 19081 of 2025

1.Thiyagu

2.Mahalingam

Petitioner(s)

Vs

The State rep by

The Inspector of police
Arni Taluk Police Station,

Tiruvannamalai District.

(Crime no.480/2025)

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.480 of 2025 on the file of the respondent police.

For Petitioner(s):

Mr.E.Sathiyaraj

For Respondent(s):

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences



punishable under Section 303 (2), 326 (a) of BNS Act, and Section 21 (1) c and
Minerals (Development and Regulation) Act, 1957, in Crime No.480 of 2025, seek
anticipatory bail.

WEB COPY

2. The case of the prosecution is that the petitioners had illegally transported 2 units of sand in mini lorry bearing registration No.TN-88-J-3575. 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. He further submitted that the custodial interrogation of the petitioners is not required. He further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.50,000/- each to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal side) reiterated the prosecution case and submitted that first petitioner is the driver of the lorry and the second petitioner is the owner and they had transported 2 units of sand. Hence, opposed for grant of anticipatory bail to the



petitioners.

WEB COPY

5. Considering the above facts and circumstances of the case, the submission that the petitioners are willing to deposit an amount of Rs.50,000/- each to any welfare scheme of the Government or any other organization and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the **Sri Ramachandra Institute of Higher Education and Research, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Account No.471533180 IFSC Code No.IDIB000S180**, 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, Arni**, 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 petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the Sri Ramachandra Institute of Higher Education and Research, Current Account maintained at Indian Bank, SRU Branch, Porur, Chennai-600 116, bearing Account No.471533180 IFSC Code No.IDIB000S180,**

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of three 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];

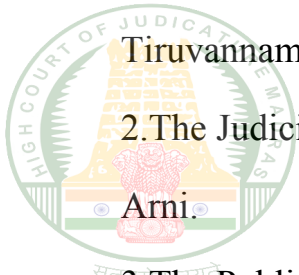
WEB COPY

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

01-08-2025

ep

To
1.The Inspector of police
Arni Taluk Police Station,



Tiruvannamalai District.

2.The Judicial Magistrate

Arni.

3.The Public Prosecutor

WEB COPY

Madras High Court.





WEB COPY

M.NIRMAL



J.

ep

CRL OP NO. 19081 of 2025

01-08-2025