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CrI.O.P.No.19853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19853 of 2025

1.Malar

2.Rajendran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Perambalur Police Station

Perambalur District. (Crime No.321 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.321 of 2025 on the file of respondent Police.

For Petitioners : Mr.R.Gokulakrishnan (Video Conference)

For Respondent : 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 under Section 303(2) of BNS and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.321 of 2025, on the file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the accused had illegally transported six units of gravel sand in a tipper lorry. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the first petitioner is the owner of the lorry and the second petitioner is the driver of the lorry. He further submitted that the petitioners, to show their bonafide, without prejudice to their contentions, are ready to deposit a sum a considerable amount to the credit of any charitable organization. Hence, he prays for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners. He also submitted that there is no previous case against the petitioners.

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

6. Considering the submission made by the learned counsel appearing on both sides and the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioners subject to 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



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date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Perambalur**, on condition that petitioners shall execute separate bond each 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 petitioners shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only) (Non refundable)** each to the credit of “**Madras Advocate Co-operative Society Limited, Account Number:484022647, Indian Bank, Madras High Court Branch, Madras**”, and shall produce the bank challan and the proof of payment before the learned Magistrate concerned at the time of executing the sureties;

[b] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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



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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 three weeks and thereafter as and when required;

[e] the petitioners shall not abscond either during investigation or trial and they shall make themselves 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 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]**;



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

28.07.2025

drl

To

1. The Judicial Magistrate No.I,
Perambalur.
2. The Inspector of Police,
Perambalur Police Station
Perambalur District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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