



CRL OP NO.19717 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO. 19717 of 2025

1.Suriya
2.S.Guna

Petitioner(s)

Vs

The State rep by

The Inspector of police
Kunnam Police Station,

Perambalur District.

(Crime no.241/2025)

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

For Petitioner(s):

Mr.G.Ilamurugu

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) of BNS Act, and Section 21 (1) of Mines and Minerals



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2. The case of the prosecution is that the petitioners had illegally transported 3/4 units of river sand in a bullock cart. The first petitioner is the owner of the vehicle and the second petitioner is the driver. 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.25,000/- 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 owner of the Bullock cart and the second petitioner is the driver and they had transported 3/4 units of river sand. Hence, opposed for grant of anticipatory bail to the petitioners.



5. Considering the above facts and circumstances of the case, the submission of the petitioners are willing to deposit an amount of Rs.25,000/- to any welfare scheme of the

Government or any other organization and since custodial interrogation of the petitioners is

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not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the first petitioner shall deposit a sum of **Rs.15,000/-** (Rupees Fifteen Thousand only) and the second petitioner shall deposit a sum of **Rs.10,000/-** (Rupees Ten Thousand only) 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, Kunnam**, 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 first petitioner shall deposit a sum of **Rs.15,000/-** (Rupees Fifteen Thousand only) and the second petitioner shall deposit a sum of **Rs.10,000/-** (Rupees Ten Thousand only) **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

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];

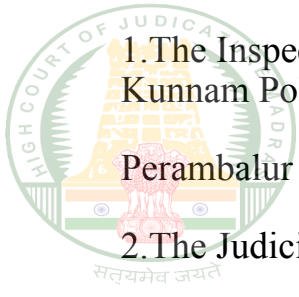
[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of

BNS.

21-07-2025

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To



1.The Inspector of police
Kunnam Police Station,

Perambalur District.

2.The Judicial Magistrate

Kunnam.

3.The Public Prosecutor

Madras High Court.





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M.NIRMAL KUMAR, J.

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