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Crl.OP.No.20306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.20306 of 2025

1. Shanmugam
2. Arunkumar

... Petitioners

-VS-

The Inspector of Police,
Omerabad Police Station,
Omerabad,
Thirupathur District.
(Crime No.238 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023, to enlarge the petitioners on anticipatory bail in the event of the arrest by the respondent police in Crime No.238 of 2025 dated 03.07.2025 on the file of the Inspector of Police, Omerabad Police Station, Thirupathur District.

For Petitioners : Mr.S.Pachaiyappan

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)



ORDER

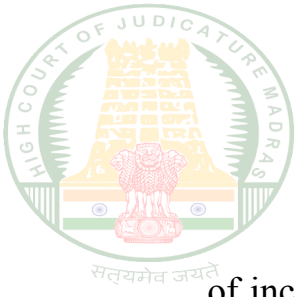
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The petitioners, who were arrested for the alleged offence under Sections 305(e), 326(a) of BNS, 2023 (under Sections 380, 430 of IPC) in Crime No.238 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of prosecution is that the petitioners seized 1/4 unit of river sand in bullock cart from parlar river without proper permission. Hence this case.

3. The learned counsel appearing for petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioners seized 1/4 unit of river sand without any permits and no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.3,000/- (Rupees Three Thousand only) as non-refundable deposit to the credit of registered Advocates Clerks Association at Thirupathur**, and on such deposit, the petitioners are ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate at Ambur, Thirupathur District*, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Tuesday at 10.30 a.m. for the period of eight weeks.

(c) the petitioners shall not tamper with evidence or



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witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

08.09.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order



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when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate at Ambur,
Thirupathur District.
- 2.The Inspector of Police,
Omerabad Police Station,
Omerabad,
Thirupathur District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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