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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-09-2025**

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP NO. 20860 of 2025

1.ARUNKUMAR

2.Mohan

...Petitioner(s)

Vs

State, Rep by
The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
Cr.No.152/2025.

...Respondent(s)

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail
in the event of their arrest by the respondent police in Crime No. 152 of
2025 on the file of the respondent police.

For Petitioner(s) : Mr.C.Pushparaj

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



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ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 132, 303(2) and 326(a) of BNS r/w 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 152 of 2025, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported 1/4 unit of river sand. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He would also submit that without prejudice, the petitioners are prepared to deposit an amount of Rs.3,000/- each as non-refundable deposit to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent Police would submit that the petitioners had illegally transported 1/4 unit of river sand. However, he vehemently opposed to grant anticipatory bail to



the petitioners.

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5. Heard the learned counsel for the petitioners as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6. In order to curb the illegal activities, this Court is of the opinion that the petitioners shall deposit a sum of Rs.3,000/- each as non refundable deposit to "The Registered Advocate Clerk Association, Thiruvannamalai", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioners deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the Trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have prepared to deposit Rs.3,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to deposit a sum of Rs.3,000/- each by way of Demand Draft/RTGS/NEFT to "The Registered



Advocate Clerk Association, Thiruvannamalai", without prejudice to his

rights and contentions before the trial Court, on such deposit and production of proof, 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, Cheyyar, on condition that the petitioner shall execute separate bond 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 and 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 are directed to report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks and thereafter as and when required for interrogation.

[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]**.

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

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1.The Judicial Magistrate, Cheyyar

2.The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

Note:

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 when uploaded in the Official Website of this Court will be watermarked and will also have a QR Code.



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T.V.THAMILSELVI, J.

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