



Crl.O.P.No.25220 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25220 of 2025

Magendran

... Petitioner/Sole Accused

/versus/

State Represented by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.

(Crime No.375 of 2025)

...Complainant/Respondent

Prayer: Criminal Original Petition filed under Section 438 of *Bharatiya Nagarik Suraksha Sanhita*, 2023, to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police in Crime No.375 of 2025 on the file of the respondent police.

For Petitioner : Mr.Pradeep

For Respondent : Mr.S.Udaya Kumar

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences punishable under Sections 303(2) and 326(a) of BNS, in Crime No.375 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The petitioner is the owner-cum-driver of JCB bearing Reg.No.TN-29-CZ-9563 and tipper lorry bearing Reg.No.TN-72-AH-9312. While attempting extraction of gravel sand without permission and illegally transporting the same, the petitioner fled from the scene of occurrence on seeing the Tahsildar and his team.

3. The Learned Government Advocate (Crl.Side) appearing for the respondent states that both JCB and tipper lorry, along with the extracted material, have been seized. It is a case of attempted extraction of material using those vehicles. Since the vehicles are seized and there is no adverse antecedent recorded against the petitioner.

4. Heard the Learned Counsels and perused the materials on record.

5. Considering the submissions made by Learned Counsel on both sides and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, **on or before 30.09.2025** before the Learned **Judicial Magistrate, Harur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties** each for a likesum to the satisfaction of the learned Magistrate concerned and on further condition that:-

[a] If the petitioner fail to surrender before the concerned Court on or before 30.09.2025, this Order shall stand automatically cancelled;

[b] 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 of the identity proofs to ensure their identity;

[c] The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.



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[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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];

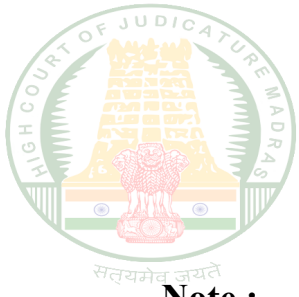
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.09.2025

bsm

To,

1. The Judicial Magistrate, Harur.
2. The Inspector of Police, Harur Police Station, Dharmapuri District.
3. The Public Prosecutor, High Court of Madras.



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Note :
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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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Dr.G.JAYACHANDRAN, J.
bsm

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