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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO. 30115 of 2025

1.D.Balu
2.T.Sakthivel

Petitioners/A1 & A2

Vs

The State rep. by
The Inspector of Police
Villupuram Taluk Police Station,
Villupuram District.
(Crime No. 717 of 2025)

Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of their arrest pending investigation in Cr.No. 717 of 2025 on the file
of the respondent police.

For Petitioners : Mr.John Kennady
For Respondent : Mr.S.Udayakumar
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 r/w 21(1) of



MMDR Act, in Crime No. 717 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation of the petitioners is that the petitioners had involved illegally transported 20 tonnes of black granite stones using Tata lorry bearing Registration No. TN-23-CA-8989 without any valid licence from the Government of Tamil Nadu. Hence the complaint.

3. The learned counsel for the petitioners submits that the black granite stones were transported from the licenced quarry. He also submits that the petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent police, reiterated the prosecution case and submits that the petitioners had transported 20 tonnes black granite stones using Tata lorry



bearing Registration No. TN-23-CA-8989 without any valid licence from the

Government of Tamil Nadu. He further submits that the 1st petitioner has one

previous case and the 2nd petitioner has three previous cases similar in

nature. He further submits that the properties have been recovered from the

petitioners. However, he opposed to grant anticipatory bail to the

petitioners.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the fact that the properties have been recovered from the 2nd petitioner – T.Sakthivel and he has three previous cases similar in nature, this Court is not inclined to grant anticipatory bail. Insofar as the 1st petitioner is concerned, that the investigation is completed and he has one previous case, this Court is inclined to grant anticipatory bail to the 1st



petitioner - D.Balu with certain conditions. Accordingly, this petition is dismissed against the 2nd petitioner.

7. Accordingly, the 1st petitioner - D.Balu is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Villupuram, Villupuram District**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the 1st petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, 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 1st petitioner shall report before the respondent Police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation;

[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



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can be registered under Section 269 of B.N.S.

05.11.2025

MSM

To

1.The Judicial Magistrate No.I, Villupuram, Villupuram District.

2.The Inspector of Police
Villupuram Taluk Police Station,
Villupuram District.
(Crime No. 717 of 2025)

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

MSM

Crl.O.P.No. 30115 of 2025



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