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Crl.O.P.No.31379



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.31379 of 2025

1. Manikandan
2. Prasath

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Deevattipatty Police Station,
Salem District.
(Crime No.565 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.565 of 2025 on the file of the respondent police.

For Petitioners : Mr.P.Praveen

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

**ORDER**

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The petitioners, who apprehends arrest for the alleged offence punishable under Section 21(1) of MM Act r/w Section 303(2) of BNS Act, in Crime No.565 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against this petitioners is that, these petitioners are ranked as A1 and A2 and involved illegally quarrying gravel sand from the land belongs to one Murugesan and while transporting the same the officers have intercepted and seized the sand. Hence this case.

3. The learned counsel appearing for petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution, he further submitted that the sand was taken only from the private land, 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 totally 2 accused in this case, the property recovered, the petitioners are not having any previous cases. Hence, he opposed to grant



anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of this case, the sand was taken in the private land with the consent of land owner and the petitioners are not having any previous cases, and this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Omalur, Salem District*, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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



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respondent police daily at 10.30 a.m., for the period of three weeks and thereafter as and when requires for interrogation;

(c) the petitioners shall not tamper with evidence or 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.

18.11.2025

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

To

- 1.The Judicial Magistrate, Omalur, Salem District.
- 2.The Inspector of Police,
Deevattipatty Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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