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Crl.OP.No.33641 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.33641 of 2025

Asif Khan

... Petitioner

Vs.

State by the Inspector of Police,
Pernamput Police Station,
Pernamput, Vellore District.
(Cr.No.263 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of his
arrest in Cr.No.263 of 2025 on the file of the Inspector of Police, Pernamput
Police Station, Pernamput, Vellore District.

For Petitioner : Mr.Vinodh Kumar

For Respondent : Ms.J.R.Archana

Government Advocate (Crl. Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Section
303(2) of BNS in Cr.No.350 of 2025, on the file of the respondent police.
seeks anticipatory bail.



2. The case of the prosecution is that the petitioner, along with the other accused, had illegally transported 12 tonnes of rocks without any valid licence, which led to the registration of the FIR. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the co-accused has already been enlarged on bail by this Court vide order dated 24.09.2025 made in Crl.O.P. No.26356 of 2025. He further submitted that the petitioner is ready and willing to cooperate with the investigation and, therefore, prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and fairly admitted that the co-accused has been enlarged on bail and that the property has been recovered. However, he opposed the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking all the factors into consideration, and having regard to the fact that the co-accused has already been enlarged on bail and that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate, Gudiyatham** 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 learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) The petitioner shall not abscond either during investigation or trial:



(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

16.12.2025

Vv

To

1. The Judicial Magistrate, Gudiyatham
2. The Inspector of Police,
Pernamput Police Station,
Pernamput, Vellore District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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