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Crl.O.P.No.35418 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35418 of 2025

1. Ismail
2. Mohamed Yousuf
3. Bharani

... Petitioners / Accused 1-3

Vs

The Inspector of Police
Pallikonda Police Station
Vellore District.
(Crime No.240/2025)

... Respondent / Complainant

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.240 of 2025 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners / Accused who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326 of



Bharatiya Nyaya Sanhita, 2023, in connection with Crime No.240 of 2025,
seeks anticipatory bail.

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2. The case of the prosecution is that the petitioners 1 and 2 are contractors of demolishing the old existing buildings and the 3rd petitioner is the owner of the JCB bearing registration No.TN-16-4156 and Tipper lorry bearing registration No.TN-45 CX-2132. They entered into an agreement with the defacto complainant to demolish the existing building belongs to his sister. As per the agreement, the petitioners demolished the building and also taken the sand from the site without the knowledge of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners has been falsely implicated in this case and they are innocent of the offences. He would further submit that they had not committed any of the offences as alleged by the de facto complainant. Hence, they seek anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated



the prosecution case and submitted that the petitioners without knowledge of the de facto complainant had transported the sand worth Rs.25,00,000/- with a tipper lorry. Hence, he strongly opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of the offences and also there is no previous case is pending against the petitioners and there is an argument between the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, 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 No.IV, Vellore** on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent-police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not, directly or indirectly, make any



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inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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 petitioner 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.12.2025

shl/nsd

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.



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P.DHANABAL, J.,

shl/nsd

To

1. The Judicial Magistrate No.IV,
Vellore

2. The Inspector of Police
Pallikonda Police Station
Vellore District.

3. The Public Prosecutor
High Court of Madras

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