



WEB COPY



Crl.O.P.No.35633 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.35633 of 2025

- 1.Thirupathi
2. Mariyappan
3. Surya

... Petitioners/ Accused 1-3

Vs

The Inspector of Police
Kandili Police Station
Thirupathur District.
(Crime No.245/2025)

... 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.245 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 1-3 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 305(e) and 326 of



BNS, 2023 in connection with Crime No.245 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that while the respondent police was on routine patrol duty, they found one unit of sand being taken from the river bed using unregistered CAT and tractor. On seeing the police, the petitioners escaped from the site. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and further submitted that they had not committed any of the offences as alleged in the FIR. 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 5 previous cases are pending against A1, four previous cases are pending against A2 and there is no pending case against A3. 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, materials and there is no previous case against the A3, the other accused are having previous cases which



are not similar kind of offences and in all cases bail was granted to them, already properties were seized, 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-II, Thirupathur** 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 every Saturday at 10.30 a.m., for a period of four weeks.

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



Crl.O.P.No.35633

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.

To

1. The Judicial Magistrate-II,
Thirupathur

2. The Inspector of Police
Kandili Police Station
Tirupattur District.

3. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.O.P.No.35633 of 2025

P.DHANABAL, J.,

shl/nsd

Crl.O.P.No.35633 of 2025

30.12.2025