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Crl.O.P.No.6046 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.6046 of 2026

1.Durgesh Kumar Paswan
2.Bhagendra Kumar

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
Korattur Police Station,
Avadi City.
(Crime No.87 of 2026)

... 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 arrest pending investigation in Crime No.87 of 2026 on the file of the respondent police.

For Petitioners : Mr.T.Dhasarathan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 303(2) of BNS r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957 (379 of IPC) in Crime No.87 of 2026**, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners were



illegally transported 3 units of sand by using two tipper lorries without any valid licence or permit and on seeing the police they ran away from the scene of occurrence. Hence, the case has been registered and the vehicles have been seized.

3. The learned counsel for the petitioners submitted that the petitioners are the contractors of Metro Water supply hence they have had valid permit to transport the sand. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to co-operate with the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the petitioners have got no previous bad antecedents. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

6. In such view of the fact of permit dated 04.02.2026 annexed along with this petition and also upon the ground that there is no previous bad antecedents against them, this Court is inclined to enlarge them on anticipatory bail subject to certain conditions:



7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Ambattur**, 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 conditions:

(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 sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., for a period of eight weeks and thereafter, as and when required for interrogation;**

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(d) On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;

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

09.03.2026

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To:

1.The Judicial Magistrate,
Ambattur.

2.The Inspector of Police,
Korattur Police Station,
Avadi City.

3.The Public Prosecutor,
High Court of Madras.

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