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Crl.O.P.No.32571 of 2024

9IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.No.32571 of 2024

1.Anandan

2.Jayabalan

... Petitioners

Versus

State Rep by
The Inspector of Police,
Sipcot Police Station,
Thiruvallur District.
(Crime No.853 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of Cr.P.C. 482 of BNSS Act, to enlarge the petitioners/accused persons on anticipatory bail in the event of their arrest by the respondent police in Crime No.853 of 2024 pending investigation before the respondent police.

For Petitioners : Mr.C.Arivazhagan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 303(2) and 326(a) of BNS Act, 2023 r/w Section 21(1) of Tamil Nadu Mines & Minerals (Development Regulation) Act, 1957 in Crime No.853 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of one unit of river sand in a vehicle bearing Registration No.TN-18-AY-4921 without proper license. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the



petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found in illegal transportation of one unit of river sand without any valid permission from the competent authority. He further submitted that no previous cases pending against them. However, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice their rights, on their own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioners.

6. Considering the arguments from both sides, the nature of the offence, the petitioners have no previous cases pending against them, and considering the fact that the petitioners without prejudice their rights, on their own volition, is ready and willing to contribute some amount to any



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charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioners are ordered to be released on anticipatory 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 District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 make a non-refundable deposit of **Rs. 1,000/- (Rupees One Thousand only)** to the credit of **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) the petitioners shall report before the respondent police



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everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required 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 anticipatory 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

27.12.2024

ssi/rts

To

1.The Inspector of Police,
Sipcot Police Station,
Thiruvallur District

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2.The Public Prosecutor,
High Court, Madras.

L.VICTORIA GOWRI, J.

ssi/rts

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