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CRL O.P. No.2951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2951 of 2025

V. Rajesh S/o. Venkateshan

... Petitioner / Accused-3

Vs

State rep. by:-

The Inspector Of Police,
Kanakamma Chatram Police Station,
Tiruvallur District.

... Respondent

[Cr. No.744 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused - 3

in Crime No.744 of 2024 on the file of the respondent police.

For Petitioner : Mr. R. Parthiban

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-3, who apprehends arrest in the hands of
the respondent police for the offences punishable under Sections 303(2)

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and 326(a) of B.N.S. read with Section 21(1) of Mines and Minerals Act in connection with the case in Crime No.744 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 08.12.2024, when the respondent police were in a routine check up near NN Kandigai Village, found the petitioner along with another accused were found in illegal possession of 10 units of river sand in a Eicher Lorry bearing Registration No.AP04-UA-0431.

3. Learned counsel for the petitioner would contend that the petitioner is innocent; that he has been implicated, only based on the confession of the co-accused; that sand and vehicle were seized by the respondent police; and that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, would submit that the



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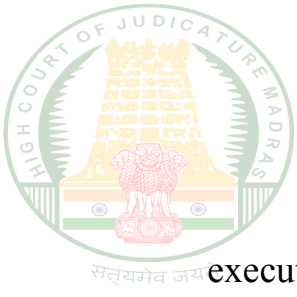
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respondent police seized the sand and the vehicle and the petitioner has one previous case, in which, he is on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations, the fact that the respondent police seized the vehicle with river sand, the petitioner is on bail in the previous case, he has been implicated, only based on the confession of the co-accused and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Tirutani** on condition that the petitioner shall



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execute a 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 action against the petitioner in accordance with law as if the conditions have been imposed



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and the petitioner 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.02.2025

mjs

To

- 1.The Judicial Magistrate, Tirutani.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Kanakamma Chatram Police Station, Tiruvallur District.

SUNDER MOHAN. J.,

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