



Crl.OP.No.3105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3105 of 2025

Venkatesan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kandili Police Station,
Thirupattur District.
(Crime No.603 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.603 of 2024 on the file of the respondent
Police.

For Petitioner : M/s.Kannadasan E

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 305(e), 326(a) of BNS,



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2023 in Crime No.603 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that when the respondent police were in routine check up near Anna Nagar, they intercepted a lorry bearing Registration No.TN 54 P 7419 and found the petitioners in illegal possession of two units of ordinary sand. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that this is the 2nd anticipatory bail petition, and the earlier petition was dismissed by this Court and the petitioner has not been arrested so far; that the co-accused was granted anticipatory bail and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and fairly submitted that though the earlier anticipatory bail application was dismissed by this Court, the petitioner has not been arrested. He further submitted that there are 3 previous cases against the petitioner and he is on bail in those cases.



WEB COPY 5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.25,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non refundable deposit to “**District Legal Services Authority, Tirupathur District**”, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.29933 of 2024 dated 02.12.2024, the petitioner has not been arrested so far. Considering the aforesaid facts, the submissions made by the learned counsels on either side, the fact that the

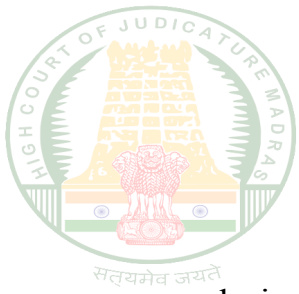


contraband has been seized, the petitioner is on bail in the other cases and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 on which the order copy is made ready, before the **Judicial Magistrate-II, Thirupattur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 condition 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.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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 BNS.

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Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police,
Kandili Police Station,
Thirupattur District.

2. The Judicial Magistrate-II,
Thirupattur.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN , J.

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