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Crl.O.P.No.9105 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9105 of 2025

Thirupathi

Vs

Petitioner(s)

State rep. by the
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi, Thirupathur District.
Crime No.604 of 2024

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in the event of his arrest in crime No.604 of 2024 on the file of the Inspector of police, Vaniyambadi Taluk Police Station, Vaniyambadi, Thirupathur District and thus render justice.

For Petitioner(s): Mr.G.Vinodh Kumar

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



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ORDER

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2. This is the second anticipatory bail petition before this Court. The earlier bail petition in Crl.O.P.No.231 of 2025 was dismissed as withdrawn on 09.01.2025 by Hon'ble Mr. Justice A.D.Jagadish Chandira, and this anticipatory bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that, on 28.12.2024 at about 05.00 hrs, the petitioner had illegally transported 1 unit of river sand in a tipper lorry bearing Registration No.TN-37 DD 3868, without having any valid permit. Hence, this case.

4. Learned counsel appearing for the petitioner submitted that



the allegations against the petitioner are false; that contraband has been seized; and that in any case, further custody of the petitioner is not required and prayed for anticipatory bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner had illegally transported 1 unit of river sand in a tipper lorry; that the petitioner has four previous cases, which have been registered in the years 2019, 2020 and 2021 respectively.

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

7. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the contraband were seized by the respondent police; that though the earlier petition filed by the petitioner was dismissed as withdrawn on 09.01.2025, the respondent police has not



arrested the petitioner so far and since custodial interrogation is not required at this stage, 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 made ready, before **the learned Judicial Magistrate, Vaniyambadi** on condition that the petitioner 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 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 report before the respondent police, everyday at 10:30 a.m., until further



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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 petitioner in accordance with law as if the conditions have been imposed 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].

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

27.03.2025

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SUNDER MOHAN, J.
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