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Crl.O.P.No.2315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2315 of 2025

PERUMAL

Vs

Petitioner(s)

State Rep.By, The Inspector Of Police,
Anakkavoor Police Station, Thiruvannamalai
District. Cr.No.43 of 2025.

Respondent(s)

For Petitioner(s): Appaswamee VR

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS r/w. Section 21(5) of Mines & Minerals Act in Crime No.43 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 25.01.2025, while the



respondent police were on their routine patrol duty, they found that the petitioner had illegally transported 1/4 unit of river sand in his bullock cart and on seeing the police, the petitioner fled away from the spot. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and he prayed for anticipatory bail to the petitioner.

4. 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 1/4 unit of river sand in his bullock cart; that the petitioner has no previous cases and that the investigation is pending.

5. 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.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned Judicial Magistrate, Cheyyar** 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



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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 on every Monday and Thursday at 10:30 a.m., until further orders.

[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.



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To

1. State Rep.By, The Inspector Of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
Cr.No.43 Of 2025.

SUNDER MOHAN, J.

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