



WEB COPY



Crl.O.P.No.2373 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2373 of 2025

Siva Subramanian

Petitioner(s)

Vs

State By, The Inspector Of Police,
Kavarapettai Police Station, Thiruvallur District.
(Crime No. 505 of 2024)

Respondent(s)

For Petitioner(s): Mr. Sasikumar S

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines & Minerals (Development Regulation) Act, 1957 in Crime No.505 of 2024, on the file of the respondent police, seeks anticipatory bail.



WEB COPY

2. The case of the prosecution is that, while the respondent police were conducting vehicle inspection, they found that the accused person had illegally transported one unit of river sand in the petitioner's mini lorry bearing Registration No.TN-18-A-8328. 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 without his knowledge, his vehicle has been used for the alleged offence; 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 along with other accused person had involved in illegal transportation of one unit of river sand in his vehicle; that the petitioner has no previous cases and that the investigation is pending.



WEB COPY

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 District Munsif Cum Judicial Magistrate, Gummidipoondi** 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:



WEB COPY



Crl.O.P.No.2373 of 2023

[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 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.



WEB COPY



Crl.O.P.No.2373 of 2025

31.01.2025

stn

To

1. State By, The Inspector Of Police,
Kavarapettai Police Station,
Thiruvallur District.
(Crime No. 505 of 2024)

SUNDER MOHAN, J.

stn



WEB COPY



Crl.O.P.No.2373 of 2025

Crl.O.P. No.2373 of 2025

31.01.2025