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Crl.O.P.No.2434 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2434 of 2025

Saravanan

Petitioner(s)

Vs

The Sub-Inspector of Police,
Mangalampet Police Station, Cuddalore District.
in Crime No. 363 of 2021

Respondent(s)

For Petitioner(s): S Saravanakumar

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police in respect of Non-Bailable Warrant issued against the petitioner by the learned Judicial Magistrate No.II, Virudhachalam on 16.12.2024 in P.R.C. No.254 of 2022, in connection with Crime No.363 of 2021 for the offences punishable under Section 379 and 430 of IPC r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, seeks anticipatory bail.



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2. The case of the prosecution is that, on 19.09.2021, while the respondent police conducted vehicle inspection duty, they found that the petitioner along with other accused was involved in illegal transportation of 2 units of pebbles without any valid permit or license in his vehicle bearing Registration No.TN-57-P-4716; that the respondent police had conducted investigation and filed charge sheet in P.R.C. NO.254 of 2022 before the learned Judicial Magistrate No.II, Virudhachalam; that the petitioner herein had not appeared before the Trial Court, the learned Magistrate issued non-bailable warrant on 16.12.2024 to secure the petitioner.

3. Learned counsel appearing for the petitioner would submit that the 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 he is the owner cum driver of the said vehicle; 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 before the Trial Court on all hearings without fail, and he prayed for the grant of anticipatory bail to the petitioner.



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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 not appeared before the learned Judicial Magistrate No.II, Virudhachalam for trial in P.R.C. No.254 of 2022, hence NBW has been issued against the petitioner on 16.12.2024.

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 nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the respondent has filed final report, custody of the petitioner is not required in this case, 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 No.II, Virudhachalam** 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 learned Judicial Magistrate No.II, Virudhachalam on all working days 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



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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.

31.01.2025

stn

To

1. The Sub-Inspector of Police,
Mangalampet Police Station,
Cuddalore District.
in Crime No. 363 of 2021

SUNDER MOHAN, J.

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