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Crl.O.P.No.2388 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.2388 of 2025

Veeramani

... Petitioner/Accused

Vs

The Sub Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
[Crime No.50 of 2025]

...Respondent/Complainant

PRAYER:- The Criminal Original Petition is filed under Section 438 of Cr.P.C., /482 of BNSS praying to enlarge the petitioner on bail in the event of his arrest in Crime No.50 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.S.Balaji,
Government Advocate
[Criminal Side]

ORDER

The petitioner/accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Section 303 (2) of BNS r/w



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21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in connection with the case in Crime No.50 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported three units of pebbles without any valid permit from the Government. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person, he has not committed any offences as alleged by the prosecution; that he has been falsely implicated in this case; and that in any case, the custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent police reiterated the prosecution case and, on instructions, submitted that the petitioner has ten previous cases and opposed the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and



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willing to deposit an amount of Rs.5,000/- as a non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for the grant of anticipatory bail to the petitioner.

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

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) as a non-refundable deposit to "**District Legal Services Authority, Cuddalore**," without prejudice to his rights and contentions before the trial Court. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Considering the nature of the contraband, the allegations against the petitioner and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.



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9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**District Legal Services Authority, Cuddalore**" without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Virudhachalam Taluk** on condition that the petitioner shall execute a 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 conditions 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

06.02.2025

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To

- 1.The Judicial Magistrate No.I, Virudhachalam Taluk.
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub Inspector of Police, Virudhachalam Police Station, Cuddalore District.



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SUNDER MOHAN. J.,

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