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Crl O.P.No.2528 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2528 of 2025

A.Gunasekar (Sekar) @ Gnanasekar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Poraiyur Police Station,
Mayiladuthurai District.
(Crime No.30/2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.30 of 2025 on the file of the respondent Police.

For Petitioner : Mr.John Josh S

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

ORDER

The petitioner, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 303(2) of Bharatiya Nyaya
Sanhita and 21(4) Mines & Minerals (Development & Regulation) Act, 1957
in Crime No.30 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 28.01.2025 at about 6.00



a.m, when the respondents were in routine vehicle checkup, the petitioner along with other accused were found in illegal transportation of 4 units of Savudu Sand, without any permit. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that only based on the confession statement of the arrested accused, the petitioner was arrayed as an accused in this case and that no previous case is pending as against the petitioner. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with arrested accused had involved in illegal transportation of 4 units of Savudu Sand, without any permit. Hence, he opposed for grant of bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegations; the fact that the material has



already been seized from the arrested accused; and that custodial interrogation of the petitioner is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] 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 is made ready, before the **District Munsif cum Judicial Magistrate, Tharangampadi**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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:

[b] the petitioner shall report before the respondent police daily 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 Petitioners 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**



Crl O.P.No.2528 of 2023

[(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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03.02.2025

Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Poraiyur Police Station,
Mayiladuthurai District
- 2.The District Munsif cum Judicial Magistrate,
Tharangampadi.
- 3.The Public Prosecutor,
High Court Madras,
Chennai.

SUNDER MOHAN , J.



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