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CRL O.P. No.2700 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2700 of 2025

Selvaganapathi S/o. Chandhira Babu ... Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Kiliyanoor Police Station,
Villupuram District.

... Respondent

[Cr. No.440 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Crime No.440 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Kalaimani

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 offences punishable under Section 21(1) of

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Mines and Minerals Act read with Section 379 of IPC in connection with the case in Crime No.440 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1 unit of river sand in a lorry bearing Registration No.TN54-E-1902.

3. Learned counsel for the petitioner would contend that the material objects have been seized; that the petitioner is only a driver of the vehicle and he has no previous cases; that the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), per contra, would submit that the respondent police seized the sand and the vehicle.

5. 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.



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6. Considering the nature of allegations, the nature of materials against the petitioner, there is no previous case pending against the petitioner, the material objects were seized by the respondent police 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.

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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Vanur** 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



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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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.



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To

- 1.The Judicial Magistrate, Vanur
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Kiliyanoor Police Station, Villupuram District.

SUNDER MOHAN. J.,

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