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Crl.O.P.No.4188 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

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

Crl.O.P.No.4188 of 2025

Subash

...Petitioner / Single Accused

Vs.

The State Rep. By
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District
(Crime No.354 of 2024)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of arrest in Crime No.354 of 2024 on the file of the respondent police station.

For Petitioner : Mr.E.Sathiyaraj Elangovan

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

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of the Bharatiya Nyaya Sanhita (BNS) and Section 21(5) of the Mines and



Minerals (Development and Regulation) Act, 1957, in Crime No.354 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner has illegally transported $\frac{1}{4}$ unit of sand in a bullock cart. Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the contraband has been seized; and that the custodial interrogation of the petitioner is not required in this case and sought for anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the contraband has been seized; and that four previous cases are pending against the petitioner and opposed the grant of anticipatory bail to the petitioner.

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.

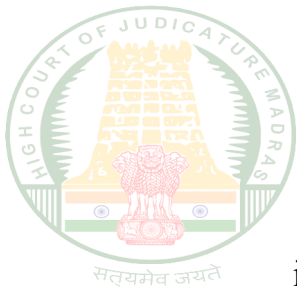


6. Considering the nature of the allegations, the fact that the contraband was seized, the fact that the petitioner was granted bail on other previous cases, and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory 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 (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Polur, Tiruvannamalai District**, 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 said Magistrate, on further condition that:

[a] 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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.

18.02.2025

dk

To

- 1.The Judicial Magistrate, Polur,
Tiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN,J.
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