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Crl.OP.No.3365 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.3365 of 2025

Sivandhan @ Sivarajan

... Petitioner /Accused-2

Vs.

The State rep. by
The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.

... Respondent/Complainant

(Crime No.276 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.276 of 2024 by the respondent Police.

For petitioner : Mr.Muthamizh Selvakumar P

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of



BNS, 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.276 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in illegal possession of 20 kgs of river sand in his bike. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that there is no previous case pending against him. and hence, he prays for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the material was seized and that no previous case is pending against the petitioner.

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 and that there is no previous case pending against the petitioner and the fact that the material was seized 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 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 of receipt of copy of this order, before the **Judicial Magistrate Court, Chidambaram**, on condition that the petitioner shall execute a bond for 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;



[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*** reported in [(2005)AIR SCW 5560];

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

12.02.2025

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To

1. The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Judicial Magistrate Court, Chidambaram.



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SUNDER MOHAN, J.

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