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Crl.O.P.No.3937 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

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

Crl.O.P.No.3937 of 2025

Sivabalan

...Petitioner/Accused

Vs.

The State Rep by
Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
Crime No.75 of 2025

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of BNSS. to grant anticipatory bail to the petitioner and order to enlarge him on bail in the event of arrest in Crime No.75 of 2025 by the respondent police.

For Petitioner : Mr.Sudhakar Kannusamy

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 offence punishable under Section 303 (2) of BNS, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.75 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported six units of gravel sand through a Taurus lorry bearing Reg.No.TN 69 AC 3589, without any permit. 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; that no previous case is pending against the petitioner; and that the custodial interrogation of the petitioner is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side), appearing for the respondent police, would submit that the contraband has been seized; and that no previous case is pending against the petitioner.

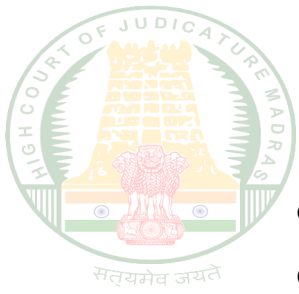


5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of the allegations, the facts that the contraband was seized and no previous case is pending 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.

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 I, Villupuram**, 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



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Crl.O.P.No.3937 of 2025



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

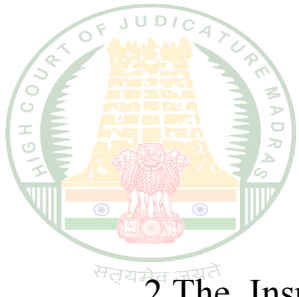
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.02.2025

dk

To

1.The Judicial Magistrate, I
Villupuram



Crl.O.P.No.3937 of 2018

2.The Inspector of Police
Villupuram Taluk Police Station
Villupuram District.

3.The Public Prosecutor, High Court of Madras.



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CrI.O.P.No.3937 of 2025

SUNDER MOHAN,J.
dk

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