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Crl.OP.No.3994 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3994 of 2025

Rajasekar
S/o. Selvaraj No.63, Mettu street
Thamaraipakkam Village and Post, Arni Taluk,
Thiruvannamalai District.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Arni Taluk Police Station, Thiruvannamalai
District (Crime No. 89/2024)

Respondent(s)

For Petitioner(s):

G.P. Sivakumar

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), 326(a) of BNS and Section 21(1) of MMDR Act, in Crime No.89 of 2024, on the file of the respondent police, seeks anticipatory bail.



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WEB COPY 2. The case of the prosecution is that the petitioner was found to be in possession of 6 units of Morambu sand in a lorry bearing Reg.No.TN 55 AK 6998.

3. Learned counsel for the petitioner would contend that the material objects have been seized; that the petitioner is owner cum driver of the vehicle; and 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 petitioner has two previous cases pending against him.

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 material objects was 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, Arni**, on condition that each petitioner shall execute a separate 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 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**



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everyday at 10.30 a.m., until further orders.

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[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.

17.02.2025

drl

To

1. The Inspector Of Police,
Arni Taluk Police Station,
Thiruvannamalai District
2. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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