



Crl.O.P.No.4408 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4408 of 2025

1. Kumar S/o. Arikrishnan
2. Sankar S/o. Ganesan
3. Ilaiyaraja S/o. Sankar
4. Ilavarasan S/o. Sankar

... Petitioners/Accused

Vs.

The State represented by-

The Inspector of Police,
Aladi Police Station,
Viruthachalam Taluk,
Cuddalore District.
(Crime No.15 of 2025).

... Respondent

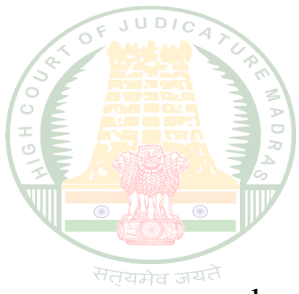
PRAYER: The Criminal Original Petition is filed under Section 482 of B.N.S.S.,
praying to grant anticipatory bail to the petitioner, in connection with the Crime
No.15 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S. Saravanakumar

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

ORDER

The petitioners / Accused, who apprehend arrest in the hands of the



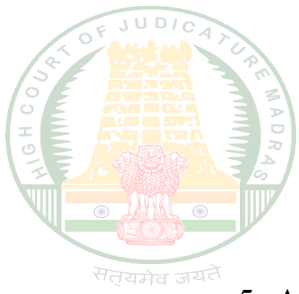
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respondent police for the offences under Sections 303(2), 126, 132 and 326 of B.N.S. and Section 21(1) of Mines and Minerals (Development and Regulation Act) 1957 in connection with the case in Crime No.56 of 2025, seek anticipatory bail.

2. The case of the prosecution is that on 04.02.2025, the accused were found to be transported 3 units of pebbles illegally, without any valid permit from the Government.

3. Learned counsel appearing for the petitioners submitted that petitioner are innocent; that they have not indulged in any illegal activities; and that since the contraband has been seized, custodial interrogation of the petitioners is not required and prayed for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that apart from A1, all the other petitioners / accused, have some other previous cases, however, they are on bail in those cases and contraband was seized.



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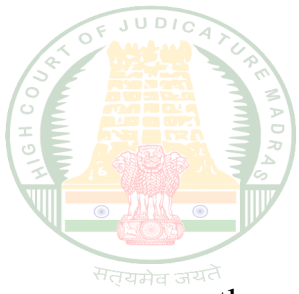
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5. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.10,000/-each as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only)** each as non refundable deposit to "**District Legal Services Authority, Cuddalore**", without prejudice to his rights and contentions before the trial Court. Merely because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Considering the nature of allegations, the fact that 1st petitioner/A1 has

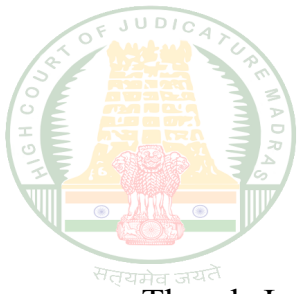


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no other previous case and all the other petitioners are on bail in all other previous cases, contraband was seized and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- each (Rupees Five Thousand only)** to the credit of "**District Legal Services Authority, Cuddalore**", without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof, 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-II, Virudhachalam, Cuddalore District** on condition that the petitioners shall each 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 petitioners and the sureties shall affix their photographs and Left



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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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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SUNDER MOHAN., J.

mjs

To

1. The Judicial Magistrate-II, Virudhachalam, Cuddalore District
2. The District Legal Services Authority, Cuddalore District.
3. The Inspector of Police, Aladi Police Station, Viruthachalam Taluk, Cuddalore District.
4. The Public Prosecutor, High Court of Madras.

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