



Crl.O.P.No.4323 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4323 of 2025

Ananthan S/o. Kandhasamy

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Crime No.56 of 2025).

... Respondent

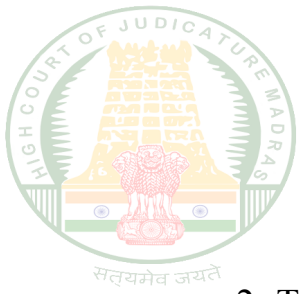
PRAYER: The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner, in connection with the Crime No.56 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. E. Sathiyaraj Elangovan

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

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences under Sections 303(2) and 326 of B.N.S. and Section 21(5) of Mines and Minerals (Development and Regulation Act) 1957 in connection with the case in Crime No.56 of 2025, seeks anticipatory bail.



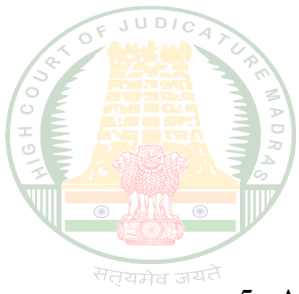
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2. The case of the prosecution is that on 12.02.2025, when the respondent police were in a routine check up near Dhanakottipuram, they found the accused 1 and 2 were found in illegal possession of 3 units of river sand in vehicles bearing Registration Nos.TN01-U-4056 and TN-CB-9221 without permission of the Government and valid bill.

3. Learned counsel appearing for the petitioner submitted that petitioner is innocent; that co-accused were already arrested and released on bail, that the petitioner is only the owner of the vehicle and he has not indulged in any illegal activities; that only based on the confession of the co-accused, the petitioner has been implicated in this case; that no recovery was made from this petitioner and since the contraband has been seized, custodial interrogation of the petitioner 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 the petitioner, has two other previous cases, however, he is on bail in those cases, contraband was seized and co-accused were already granted bail.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- 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 petitioner.

6. Heard the learned counsel appearing for the petitioner 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) as non refundable deposit to "**District Legal Services Authority, Tiruvannamalai**", without prejudice to his rights and contentions before the trial Court. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Considering the nature of allegations, the fact that the co-accused was

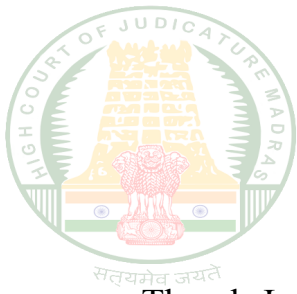


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already arrested and released on bail, the petitioner is on bail in all other previous cases, the petitioner is only the owner of the vehicle and no recovery was made from this petitioner, contraband was seized and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of "**District Legal Services Authority, Tiruvannamalai**", 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, Kalasapakkam, 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 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



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

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

[d] the petitioner 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.02.2025

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SUNDER MOHAN., J.



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To

1. The Judicial Magistrate, Kalasapakkam, Tiruvannamalai District.
2. The District Legal Services Authority, Tiruvannamalai District.
3. The Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai District.
4. The Public Prosecutor, High Court of Madras.

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