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CRL O.P. No.4495 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.4495 of 2025

Krishnamoorthy Alias Krishnasamy
S/o. Ellappan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Cheyyar Police Station,
Tiruvannamalai District. ... Respondent
[Cr. No.61 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in Crime No.61 of 2025 on the file of the respondent police.

For Petitioner : Mr. Anbharasu.A.

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 303(2) and 326(a) of B.N.S. and Section 21(5) of Mines and Minerals (Development and Regulation) Act in connection with the case in Crime No.61 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was caught red handed near Thozhupedu Village as he illegally transported 1 unit of river sand in a Tipper Lorry Tractor bearing Registration No.TN32 U 4257.

3. Learned counsel for the petitioner would contend that the petitioner is innocent and he has not indulged in any illegal activities as alleged by the prosecution; that he has no previous cases; 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), on instructions, would submit that the respondent police seized the materials



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and admitted that no previous case is pending against the petitioner.

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

6. Considering the nature of allegations, there is no previous case pending against the petitioner, the contraband 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, Cheyyar** 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



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

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

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered

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under Section 269 B.N.S.

20.02.2025

mjs

To

- 1.The Judicial Magistrate, Cheyyar
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Cheyyar Police Station, Tiruvannamalai District.

SUNDER MOHAN. J.,

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