



Crl.O.P.No.5265 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.5265 of 2025

N. Manibalan

...Petitioner/Accused

Vs.

The Sub Inspector of Police
Aladi Police Station
Cuddalore District
(Cr.No.20 of 2025)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.20 of 2025, pending on the file of the respondent police.

For Petitioner : Mr.S. Saravanakumar

For Respondent : Mr. Leonard Arul Joseph Selvam
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) of B.N.S. r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in connection with the case in Crime No.20 of 2025, seeks anticipatory bail.



Crl.O.P.No.5265 of 2025

2. The case of the prosecution is that during vehicle checkup, it was found that the petitioner had transported 4 units of pebbles, without any valid permit. Hence, the case.

3. Learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution; and that the custodial interrogation of the petitioner is not required and hence, prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side), on instructions, would submit that the respondent police seized the pebbles and the vehicle and that the petitioner had involved in four previous cases of similar offences.

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 bail to the petitioner.



Crl.O.P.No.5265 of 2025

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing 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 "**Tamil Nadu State Legal Services Authority, High Court Campus, Chennai**", 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 nature of materials 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.



Crl.O.P.No.5265 of 2025

WEB COPY

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 "**Tamil Nadu State Legal Services Authority, High Court Campus, Chennai**", 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 No.II, Virudhachalam**, 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 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.



Crl.O.P.No.5265 of 2025

WEB COPY

[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.

27.02.2025

gya

To

1.The Judicial Magistrate No.II
Vridhachalam Taluk

2.The Member Secretary
Tamil Nadu State Legal Services Authority, Chennai

3.The Sub Inspector of Police
Aladi Police Station
Cuddalore District

4.The Public Prosecutor
High Court of Madras



WEB COPY



Crl.O.P.No.5265 of 2025

SUNDER MOHAN, J.
gya

Crl.O.P.No.5265 of 2025

27.02.2025