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CrI.O.P.No.4685 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4685 of 2025

Sivakumar

... Petitioner

Vs.

State, Rep. by The Inspector of Police
Thiruvallur Taluk Police Station.
(Crime No.50 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.50 of 2025, on the file of the respondent Police.

For Petitioner : Mr.P.Senthil

For Respondent : Mr.S.Balaji

Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) and 326(a) of BNS [u/s.378, 430 of IPC] in Crime No.50 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner was found to be illegally transported 7 units of river sand in a lorry.

3.Learned counsel appearing for the petitioner would submit that the petitioner/owner of the lorry is an innocent person and he has been falsely implicated in this case and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and



also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

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4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and on instruction submitted that there are no previous cases against the petitioner.

5.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.

6.Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized and the petitioner has no bad antecedents, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned Judicial Magistrate I, Thiruvallur**, on condition that the 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 condition 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 as and when required for interrogation.

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

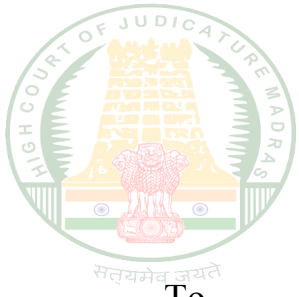
[d]the petitioner shall not abscond either during investigation or trial.

[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.02.2025

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Cr1.O.P.No.4685 of 20

SUNDER MOHAN, J.
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To

1.The Judicial Magistrate I, Thiruvallur.

2.The Inspector of Police
Thiruvallur Taluk Police Station.

3.The Public Prosecutor,
High Court of Madras.

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