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Crl.O.P.No.4583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4583 of 2025

Udhayakumar

...Petitioner/Accused

Vs.

State rep by
The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

(Crime No.38 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.38 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Manimaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.38 of 2025 registered for the offence under Section 303(2) of BNS r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act.

2.The case of the prosecution is that, the petitioner had illegally transported 2 units of M sand in a lorry.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and filed a counter and



submitted that the petitioner is a history sheeter and that there are ten previous cases against him.

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.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to any welfare scheme of the Government or any other organization.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to “District Legal Services Authority, Kancheepuram”, without prejudice to the right of defence before the Trial Court and making it clear that it would

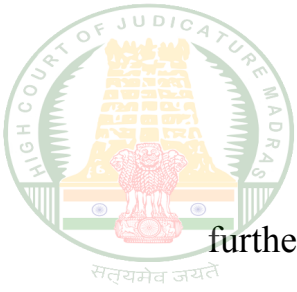


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not amount to admission of guilt.

WEB COPY 8. Considering the nature of allegations, the fact that the contraband was seized and the petitioner is on bail in all the previous cases 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 with certain conditions.

7. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) directly to the credit of “District Legal Services Authority, Kancheepuram”, without prejudice to his rights and contentions before the trial Court, 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 copy of this order, before the learned **Judicial Magistrate No.II, Kancheepuram**, 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 said Magistrate, on



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further condition that:

WEB COPY [a] 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 every day at 10:30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

28.02.2025

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Copy to:

- 1.The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
- 2.The Judicial Magistrate No.II, Kancheepuram.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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