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Crl.O.P.No.5373 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.5373 of 2025

Ganesh

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police
Karamadai Police Station
Coimbatore District
(Cr.No.101 of 2025)

...Respondent/Complainant

Criminal Original Petition filed under Section 482 of BNSS, 2023, to
enlarge the petitioner on anticipatory bail in the event of his arrest by the
respondent police in connection with crime No.101 of 2025 pending on the file
of the respondent police.

For Petitioner : Mr. M. Mohamed Riyaz
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(ii) of BNS, 2023 r/w
Sections 21(1), 4(1) & 4(1A) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.101 of 2025 on the file of the respondent
police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner, was found to be in illegal possession of three units of gravel sand in a lorry bearing No. TN 61 F 8111, without any permit. Hence, the case.

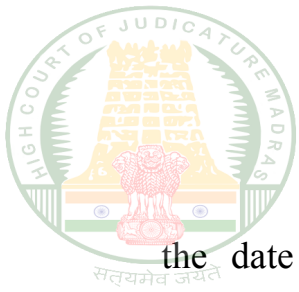
3. Learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution; that the custodial interrogation of the petitioner is not required in this case; and that no previous case is pending against the petitioner and hence, prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side), appearing for the respondent police, would submit that the contraband has been seized; and that no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations, the fact that the contraband has been seized and no previous case is pending 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.

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 (15) days from



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the date on which the order copy was made ready, before the learned

Judicial Magistrate, Mettupalayam, 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 further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar 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 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 of B.N.S.

gya

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SUNDER MOHAN, J.
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To

1.The Judicial Magistrate
Mettupalayam

2.The Inspector of Police
Karamadai Police Station
Coimbatore District

3.The Public Prosecutor
High Court of Madras

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