



CrI.O.P.No.5400 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

CrI.O.P.No. 5400 of 2025

Subash Ettiyappan

...Petitioner/Accused

Vs.

State represented by
the Inspector of Police
Ambalur Police Station
Ambalur, Tiruppathur District
(Cr.No.16 of 2025)

...Respondent/Complainant

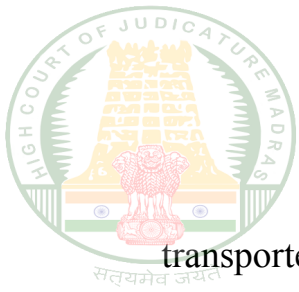
Criminal Original Petition filed under Section 482 of BNSS, 2023, to
enlarge the petitioner on bail in the event of his arrest in Crime No.16 of 2025,
pending on the file of the respondent police.

For Petitioner : Mr. Vinodh Kumar
For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS, 2023, r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.16 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally



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transported quarter unit of river sand in a bullock cart, without any permit.

Hence, the case.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with the alleged offence; that the custodial interrogation of the petitioner is not required in this case; 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 nine previous cases are 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 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 the date on which the order copy was made ready, before the learned **Judicial Magistrate, Vaniyambadi**, 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



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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;

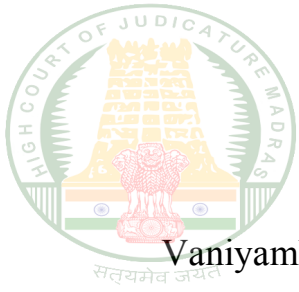
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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

27.02.2025
SUNDER MOHAN, J.
gya

To
1.The Judicial Magistrate



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Vaniyambadi

WEB COPY

2.The Inspector of Police
Ambalur Police Station
Ambalur
Thiruppathur District

3.The Public Prosecutor
High Court of Madras

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