



Crl.OP.No.6964 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6964 of 2025

Babu

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.
(Crime No.858 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.858 of 2024 on the file of the respondent Police.

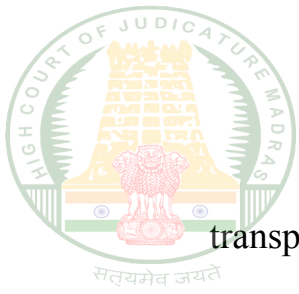
For Petitioner : M/s.Venkatesan S L

For Respondent : Mr.S.Santhosh
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), 326(a) BNS Act
r/w 21(1) of M.M.Act in Crime No.858 of 2024, seeks anticipatory bail.

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



transported ¼ units of river sand in Bullock cart.

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3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that there are 8 previous cases against the petitioner, 5 of which are of a similar nature.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence 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 anticipatory bail to the petitioner.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of

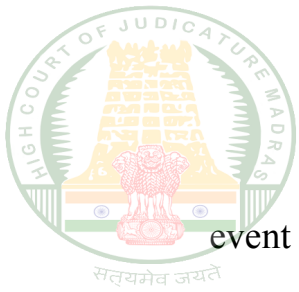


Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to

“District Legal Services Authority, Tiruvannamalai District”, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Though the earlier anticipatory bail application was dismissed as withdrawn on 28.11.2024, the respondent police has not chosen to arrest the petitioner. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the petitioner is on bail in the other 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.

8. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.10,000/- [Rupees Ten Thousan Only]** directly to the credit of **“District Legal Services Authority, Tiruvannamalai District”**, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate Court, Arni**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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:

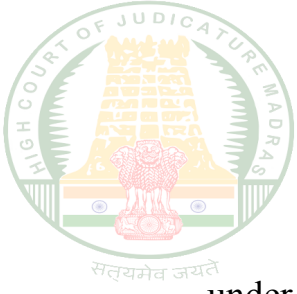
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police twice a week at 10.30 a.m., until further orders.

[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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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]**;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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To

1.The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

2. The Judicial Magistrate Court,
Arni.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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