



Crl. O.P. No.5801 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5801 of 2025

Moorthy @ Thirumoorthy S/o. Selvam

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
Kandili Police Station,
Thirupattur District.
(Crime No.620 of 2024).

... Respondent

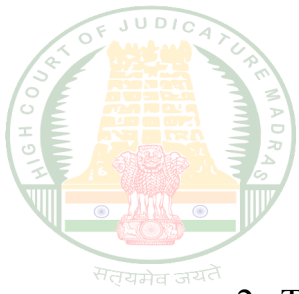
PRAYER: The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner, in connection with the Crime No.620 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. S. Senthilvel

For Respondent : Mr.S. Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences under Sections 305(e) and 326(a) of B.N.S. in connection with the case in Crime No.620 of 2024, seeks anticipatory bail.



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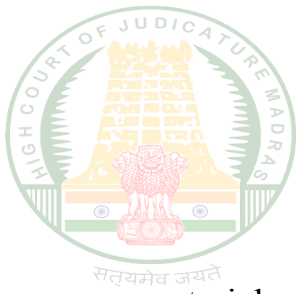
2. The case of the prosecution is that on 10.12.2024, the petitioner had illegally transported river sand in a Lorry bearing Registration No.TN46-L-8851.

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

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that the petitioner has 9 previous cases and he is on bail in those cases.

5. At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.20,000/- 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. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the



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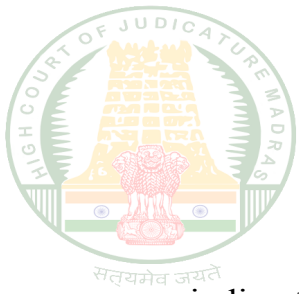
materials available on record.

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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty thousand only)** as non refundable deposit to "**District Legal Services Authority, Thirupattur**", without prejudice to his rights and contentions before the trial Court. Merely because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking note of the facts and circumstances of the case, the nature of allegations against the petitioner, submissions made by the learned counsels on either side, the fact that the contraband was seized, the petitioner has no bad antecedents 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 on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of "**District Legal Services Authority, Thirupattur**", without



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prejudice to his rights and contentions before the trial Court and 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 a copy of this order, before the learned **Judicial Magistrate No.II, Thirupattur District** 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 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 report before the respondent police everyday 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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

03.03.2025

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To

1. The Judicial Magistrate No.II, Thirupattur District.
2. The District Legal Services Authority, Thirupattur District.
3. The Inspector of Police, Kandili Police Station, Thirupattur District.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN., J.



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