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CRL OP NO. 5791 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5791 of 2025

Madhan @ Madhan Kumar

Petitioner

Vs

The State Rep By
The Inspector of Police
Thirukkanur Police Station,
Puducherry
(Crime No.18 of 2025)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 18 of 2025 pending on
the file of the respondent police.

For Petitioner : Mr.Muthupandi V
For Respondent : Mr.K.S.Mohandoss
Additional Public Prosecutor,Puducherry
Assisted by Ms.Thenmozhi

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



police for the offences punishable under Sections 303(2) BNS and 3 of the PDPP Act r/w 3(5) of the BNS Act in Crime No.18 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 along with the other accused had illegally transported river sand and dumped them at Kunichempet village.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and without prejudice to his contention, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association 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 three previous cases against the petitioner and he is on bail in those cases.



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5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees five Thousand only)** to the credit of '**Legal Services Authority, Puducherry**' without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

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

7. 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 fact that the petitioner is on bail in the other cases and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate IV, Puducherry** on condition that the petitioner shall execute a separate 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.



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[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.

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SUNDER MOHAN, J.

vca

To

- 1.The Inspector of Police
Thirukkanur Police Station,
Puducherry
(Crime No.18 of 2025)
- 2.The Judicial Magistrate IV, Puducherry
- 3.The Public Prosecutor,
High Court Madras.

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