



WEB COPY

CrI.O.P.No.8152 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.8152 of 2025

Ashok Kumar

... Petitioner

Vs.

State, Rep. by
The Sub Inspector of Police
Pathirvedu Police Station
Thiruvallur District
(Crime No.406 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest in Crime No.406 of 2024, on the file of the respondent Police.

For Petitioner : Mr.V.Manimaran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2), 326 (a) of BNS, r/w. Sections 21(1) of Mines and Minerals (Development & Regulation) Act 1957 in Crime No.406 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner had illegally transported five units of river sand in a lorry.

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 for the petitioner.

WEB COPY

4.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 two previous cases against the petitioner and he is on bail in those cases.

5.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.

6.Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, 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.

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, Gummidipoondi** 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, 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 am, 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 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.

20.03.2025

sai



CrI.O.P.No.8152 of 2025

SUNDER MOHAN, J.

sai

WEB COPY

To

1.The Judicial Magistrate,
Gummidipoondi

2.The Sub Inspector of Police
Pathirvedu Police Station
Thiruvallur District

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.8152 of 2025

20.03.2025