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Crl.O.P.No.8841 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8841 of 2025

Dinakaran
S/o. Subramani

....Petitioner/Accused-1

Vs

The State Rep. by
The Sub-Inspector of Police,
Kandili Police Station
Thirupathur District.
(Crime No.66 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.66 of 2025 on the file of the respondent police.

For Petitioner	: Mr. R. Parthiban
For Respondent	: Mr. S.Balaji Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 305(e), 326(a) of BNS, 2023, in Crime No.66 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2025, the petitioner along with the other accused was found illegally transporting 3 units of sand in an Ashok Leyland Tipper Lorry bearing Registration No.TN-29-BE-4379 and that on seeing the respondent police, the petitioner had escaped from the scene of occurrence. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has no connection with the said offence; that a false complaint has been lodged against the petitioner; that the petitioner is ready to provide solvent sureties and to abide by any conditions that may be imposed by this Court; and that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association, and prayed for grant of anticipatory

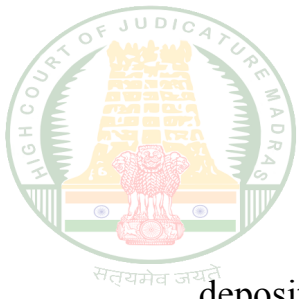


bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the contraband was seized.

5. Considering, the fact that contraband was seized from the petitioner, 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. Further, taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of District Legal Services Authority, Tirupathur District, without prejudice to his rights and contentions before the trial Court.



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6. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Tirupathur District**, and on such deposit and on receipt of proof of payment, 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 No.II, Thirupathur**, 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 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 daily at 10.30. a.m., until further orders.



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

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To

1. The Judicial Magistrate No.II, Thirupathur
- 2.The Sub-Inspector of Police,
Kandili Police Station
Thirupathur District.
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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