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Crl.O.P.No.9078 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9078 of 2025

A. Vaitheeswaran
S/o. Anandhan

....Petitioner/Accused-2

Vs

State represented by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Greater Chennai City Police,
(Crime No.145 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 concerned in Crime No.145 of 2025 on the file of the respondent police.

For Petitioner : Mr. D. Ilayaraja

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(1) of BNS, 2023 (Section 379 of IPC) r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.145 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with A1 was found illegally transporting 1 unit of river sand in a lorry bearing Registration number TN 22 AY 6093. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case ; that the petitioner is in no way connected with the said offence and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought 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 petitioner has no previous case and that the investigation is pending.

5. Considering, the nature of allegations against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no previous case, 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.

6. 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 X Metropolitan Magistrate, Egmore, Chennai**, 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:

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[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.

[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].



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[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 X Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Greater Chennai City Police,
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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