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Crl.O.P.No.9200 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9200 of 2025

Veera Kumar
S/o. Thiruganam

....Petitioner/Accused-1

Vs

State represented by
The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District
(Crime No.122 of 2018)

....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.122 of 2018 on the file of the respondent police.

For Petitioner : M/s. M.Balaji

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 21(1) of Mines and Minerals (D&R) Act and 379 of IPC, in Crime No.122 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had committed a theft of 1/2 unit of river sand and thus committed the aforesaid offence; that the petitioner was originally arrested on 09.04.2018 and remanded to judicial custody and later released on bail; that the petitioner absconded thereafter; that a final report was filed by the respondent police before the Judicial Magistrate, Thiruthuraipoondi, which was taken on file in P.R.C.No.29/2022 was assigned and that in the said proceedings, the petitioner was declared as a proclaimed offender.

3. The learned counsel for the petitioner would submit that the petitioner had secured a job in London; that his absence is neither willful nor wanton and that he is now ready to face the trial and sought for anticipatory bail.



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4. The learned Government Advocate (Crl. side), *per contra*, submitted that the case is pending for a long time; that the learned Magistrate had directed listing of that case once in three months since the petitioner could not be secured and that the petitioner was declared as a proclaimed offender.

5. At this juncture, the learned counsel for the petitioner produced a copy of the judgment of the Hon'ble Supreme Court in Criminal Appeal No.4564 of 2024 (@ SLP(CRL.) No.13123/2024 in the case of Asha Dubey vs. The State of Madhya Pradesh, in which it has been held thus:

"Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail.

6. Admittedly the petitioner could not be secured by the respondent so far. It is the case of the petitioner that he was in London and was pursuing a job there; that he had no intention to evade the process of law and that he is now ready to face the trial on day to day basis.



Considering the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The lookout circular issued against the petitioner is also suspended to enable him to appear before the Magistrate.

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, Thiruthuraipoondi**, 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 appear before the committal court every day until further orders and thereafter,



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before the Sessions Court after committal.

[c] The petitioner shall surrender his passport to the Judicial Magistrate.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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, Thiruthuraipoondi.
2. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District
3. The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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