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Crl.O.P.No.9140 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.9140 of 2025

A. Settu
S/o. Anaigoundar

....Petitioner/ Accused 2

Vs

The State represented by
The Inspector Police,
Banavaram Police Station,
Ranipet District
(Crime No.259 of 2024)

....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 **in Crime No.259 of 2024**, 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(2) of BNS (Section 379 of IPC) r/w 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.259 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.12.2024, the petitioner along with the co-accused, was found illegally breaking the boundary stone and the flag stone in the Government Waste land by using a tractor and compressor bearing Registration number TCD 5688 and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that the petitioner was not involved in the said offence; that a false case has been registered against the petitioner; that the petitioner is ready to abide by any conditions that may be imposed by this Court and that, in any case, custodial interrogation of the petitioner



is not required and prayed for 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 there is no previous case against the petitioner; that the co-accused has been arrested and that the investigation is pending.

5. Considering, the 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 Judicial Magistrate, Sholinghur**, 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 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.

27.03.2025

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To

1. The Judicial Magistrate, Sholinghur
2. The Inspector Police,
Banavaram Police Station,
Ranipet District
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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