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Crl.O.P.No.9560 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-04-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.9560 of 2025

Viswanathan
S/o. Chinnasamy

....Petitioner/Accused-2

Vs

The Inspector of Police,
M-5 Ennore Police Station
Tiruvallur District
(Crime No.167 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 **in Crime No.167 of 2025**, on the file of the
respondent police.

For Petitioner : Mr. Mohammed Iqbal, A.

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 Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.167 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 12.03.2025, the first accused was found illegally transporting "saudu soil" in a Ashok Leyland vehicle bearing No.TN 59 BS 4260 and that the petitioner is the owner of the said vehicle. Hence, the case.

3. The learned counsel appearing for the petitioner would submit the petitioner is innocent; that the petitioner has been falsely implicated in the case and that the petitioner is ready to furnish solvent sureties and to abide by any conditions that may be imposed by this Court and sought for grant of anticipatory bail to the petitioner.

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



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co-accused has been arrested; that the petitioner has no previous case and that the investigation is pending.

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5. Considering, the submissions made by the counsels on either side, the fact that the co-accused has been arrested; that the contraband was seized and that the petitioner has no previous case, and since the custodial interrogation of the petitioner is not required, 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, Thiruvottiur**, 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 everyday 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.

01.04.2025

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To

1. The Judicial Magistrate, Thiruvottiyur
2. The Inspector of Police,
M-5 Ennore Police Station
Tiruvallur District
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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