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Crl O.P.No.9667 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 9667 of 2025

Ayyanar

Petitioner

Vs

The State Rep by,
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No.72 of 2023)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 72 of 2023 pending
on the file of the respondent police.

For Petitioner : M/s. J Ganesh
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Section 379 of the IPC in Crime No.72 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported ½ unit of river sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner has no bad antecedents and in any case, custodial interrogation of the petitioner is not required.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents.

5. Taking into consideration the facts and circumstances of the case, considering the nature of the allegations, the contraband were seized; the petitioner has no bad antecedents and since custodial



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interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the **learned Judicial Magistrate- II, Ulundurpet, Kallakurichi District** 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 said Magistrate, 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 everyday at 10:30 a.m., until



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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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To,

1. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
2. The Judicial Magistrate- II, Ulundurpet,
Kallakurichi District
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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