



WEB COPY

Crl.O.P.No.10295 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10295 of 2025

Mahalingam

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
(Crime No.100 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.100 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. E. Sathiyaraj Elangovan

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

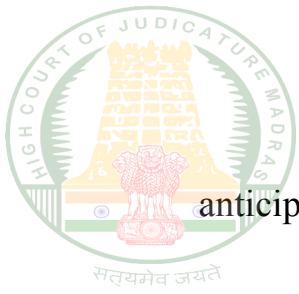


ORDER

WEB COPY The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS (Corresponding Sections 379, 430 of IPC) and Section 21(5) of the Mines & Minerals (Development & Regulation) Act in Crime No.100 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the respondent were conducting vehicle inspection, they found that the petitioner was involved in illegal transportation of 1/4 unit of river sand in a bullock cart; that on seeing the police, the petitioner fled away from the spot. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for



anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the total quantity of river sand involved in this case is 1/4 unit; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents 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, Polur, Tiruvannamalai District** on condition that



the petitioner shall execute a separate 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 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



WEB COPY

Crl.O.P.No.10295 of 2025



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.

07.04.2025

stn

To

1. The Judicial Magistrate, Polur,
Tiruvannamalai District.
2. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
(Crime No.100 of 2025).
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10295 of 2025

SUNDER MOHAN, J.

stn

Crl.O.P. No.10295 of 2025

07.04.2025