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Crl.OP.No.11475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11475 of 2025

Raji

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Crime No.138 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.138 of 2025 on the file of the respondent Police.

For Petitioner : M/s.R.Rajasekar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



Crl.OP.No.11475 of 2025

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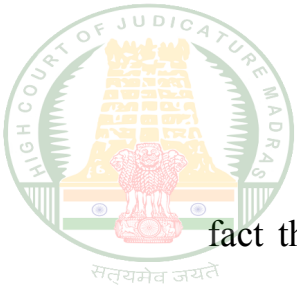
police for the offences punishable under Section 303(2), 326(a) of BNS Act r/w Section 21(1) Mines & Minerals (Development and Regulation) Act in Crime No.138 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported 1/4 unit of river sand.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail to the petitioner.

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 note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the

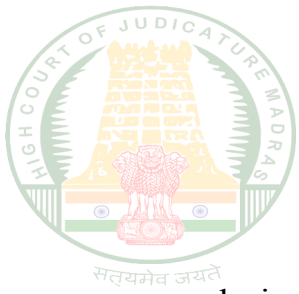


fact that the contraband was seized, the petitioner has no bad antecedents and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 is made ready, before the **Judicial Magistrate, Cheyyar**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 daily at 10.30 a.m., until further orders.



Crl.OP.No.11475 of 2025

[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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

17.04.2025

Index : Yes / No

Internet : Yes / No

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Crl.OP.No.11475 of 2025

To

- 1.The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
- 2.The Judicial Magistrate, Cheyyar.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.OP.No.11475 of 2025

SUNDER MOHAN , J.

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Crl.O.P.No.11475 of 2025



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CrI.OP.No.11475 of 2025

17.04.2025