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Crl OP No.12128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12128 of 2025

R.Yuvaraj

... Petitioner

Versus

The State Rep by,
The Inspector of Police,
K V Kuppam Police Station,
Vellore District.
Crime No.238 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.238 of 2024 on the file of the respondent police.

For petitioner : Mr.N.K.Ponraj

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 303(2), 326(a) of BNS in Crime No.238 of 2024, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the accused illegally transported 4 bags of river sand. Hence, the case.

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

4. Learned Government Advocate (Criminal 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 contraband was seized and that there are three previous cases against the petitioner and he is on bail in those cases.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations, contraband has been seized, the fact that the petitioner is on bail in the previous cases and since, custodial interrogation 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 of receipt of a copy of this order, before the learned



Judicial Magistrate, Katpadi, 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 conditions 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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the "**District Legal Services Authority, Vellore**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of his guilt.

[c] **the petitioner shall report before the respondent police as and when required for interrogation.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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SUNDER MOHAN,J.

drl

[f] 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].

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

23.04.2025

drl

To

1. The Inspector of Police,
K V Kuppam Police Station,
Vellore District.

2. The Public Prosecutor,
High Court of Madras, Chennai.

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