



Crl.OP.No.12201 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12201 of 2025

Ayyappan

.. Petitioner

Vs.

State Represented by
The Inspector of Police,
Pathirvedu Police Station,
Thiruvallur District.
(Crime No.61/2025)

.. 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 their arrest in Crime No.61/2025 on the file of the respondent
Police.

For petitioner : Mr.C.Arivazhagan

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



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) and 326 (a) of BNS and Section 21 (1) of Mine and Minerals (Development and Regulation) Act, 1957 (U/S.379 of IPC), in Crime No.61/2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner with the co-accused had illegally transported 6 units of Gravel Sand in a Tipper Lorry without valid licence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an 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 A1 and A2 in this case have been arrested and remanded to judicial custody.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the contraband was seized 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 on the 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 **District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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



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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.

[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 BNS.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Pathirvedu Police Station,
Thiruvallur District.
- 2.The District Munsif cum Judicial Magistrate,
Gummidipoondi
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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