



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12570 of 2025

Ganasekaran

Petitioner(s)

Vs

The State of Tamil Nadu

Represented by, The Inspector of Police,
Poraiyar Police Station, Mayiladuthurai District.
(Crime No.259 of 2024)

Respondent(s)

For Petitioner(s): Mr.S.P.Harikrishnan

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

PRAYER

To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent Police in Crime No.259 of 2024 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 303(2) & 318(4) of BNS r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.259 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the accused had illegally transported six units of savudu sand in the Ashok Leyland lorry.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case based on the confession statement of A1, who was arrested and released on bail, and 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 petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police 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 counsels on either side, the fact that the properties were seized, the fact that the petitioner has no bad



antecedents 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 on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Tharangampadi**, 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 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 as and when required for interrogation;



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[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,
Poraiyar Police Station, Mayiladuthurai District.
2. The District Munsif cum Judicial Magistrate,
Tharangampadi.

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