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Crl.O.P.No.14299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2025

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THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.14299 of 2025

A.Sivakumar

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
(Crime No.62 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent Police in Crime No.62 of 2025 on the file of the Respondent.

For Petitioner : Mr.N.Ponraj

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 303(2) of BNS and Section 21(1) of



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Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.62 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had illegally transported six units of gravel sand in their vehicles without any valid permission. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.1,20,000/- to any welfare scheme of the Government or any other organization. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the contraband and the vehicles of the accused were seized.



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

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.1,20,000/- (Rupees One lakh and Twenty Thousand only) as non-refundable deposit, to the credit of *Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032*, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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**



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No.II, Pollachi, 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 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., for a period of one month and thereafter, as and when required for further interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]***;



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

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No.II,
Pollachi.
2. The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.



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L.VICTORIA GOWRI, J.

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