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Crl.O.P.No.14875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14875 of 2025

Dhanasekar Kutty @ Vijayasekar

... Petitioner

-VS-

The State Represented by,
The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
(Crime No.139 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.139 of 2025 pending on the file of respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 326(a) & 303(2) of BNS Act, 2023, and 21(1) Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.139 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that petitioner was found in illegal transportation of quarter unit of soil sand in a vehicle bearing Registration No. TN-21-BB-9235, without proper license. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner have illegally transported 1/4 unit of soil, without any valid permission from the competent authority and no previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the ***learned Judicial Magistrate No.II***



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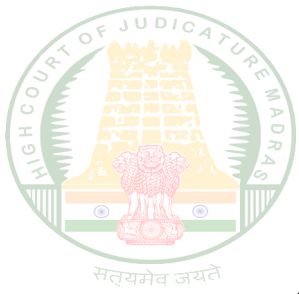
at Arakkonam, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **The Dean / Medical Officer, Government Stanley Medical College and Hospital, Chennai** bearing Account No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC: SBIN0001476, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the learned Judicial Magistrate No.II at Arakkonam daily at 10.30 a.m on every Monday to Friday at 10.30 a.m and appear before the respondent police on every Saturday and Sunday at 10.30 a.m until further orders;



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(e) the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall make himself available for interrogation by the Police as and when required;

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

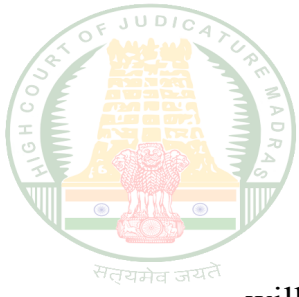
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Note:

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



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will be watermarked and will also have a QR code.”

To

- 1.The learned Judicial Magistrate No.II,
Arakkonam.
- 2.The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.SENTHILKUMAR,J

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