



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15343 of 2025

Karthikayan

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
T.Palur Police Station,
Ariyalur District.
(Crime No.93 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on Anticipatory
Bail in the event of his arrest pending investigation in Crime No.93 of 2025
on the file of the respondent.

For Petitioner : Mr.M.Rajkumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER



The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(1) of Mines and Mineral (Development and Regulation) Act read with under Section 303(2) of BNS 2023 (u/s 379 of IPC) in Crime No.93 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported four cement bags of sand in a two wheeler. Hence, the case.

3. Learned counsel appearing for the petitioners submits that the petitioner was carrying four cement bags of sand for the construction of a toilet in his house. He further submits that the petitioner is innocent and the case has been falsely foisted against him by the respondent for statistical purposes. The petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. 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 submitted that the petitioner was carrying 4 cement bags of sand in his two wheeler and he has got yet another case of similar nature.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Jayamkondam**, 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further



condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] 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 any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police for a period of two weeks and thereafter as and when required for interrogation;

[d] the petitioner 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;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

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



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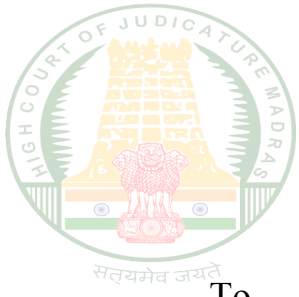
[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.



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To
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- 1.The Inspector of Police,
T.Palur Police Station,
Ariyalur District.
- 2.The Judicial Magistrate No.I,
Jayamkondam.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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