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Crl.O.P.No.15559 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.15559 of 2025

GUNASEKARAN

Petitioner/A2

...

VS

The State Represented by,
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

Crime No.154 of 2025.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya

Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
Anticipatory bail in the event of his arrest in Crime No.154 of 2025 on the
file of the Respondent Police

For petitioner : Mr.M.N. Balakrishnan
For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the alleged offences under Section 303(2) of BNS(u/s.379 of
IPC) r/w 21(1) of the Mines & Minerals (Development Regulation) Act,
1957 in Crime No.154 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner was found illegally transporting three units of gravel sand in a lorry, without valid permit. 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 been falsely implicated in this case and that the petitioner is the owner of the lorry. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal transportation of three units of gravel sand, without any valid permission from the competent authority. He further submitted that the petitioner has no previous case, pending against him. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted



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that the petitioner, without prejudice to his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the offence, the petitioner has no previous case pending against him and considering the fact that the petitioner without prejudice to his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory 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-**



Crl.O.P.No.15559 of 202

cum-Judicial Magistrate, Madukkarai on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.5,000/-** (Rupees Five thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the **The Dean, Stanley Government Medical College and Hospital, Chennai, bearing A/c. No.39219285071, State Bank of India, Old Jail Road, Stanley Hospital, IFSC:SBIN0001476,** without prejudice to his defence before the trial Court and the concerned Magistrate/Judge, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[b] the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m, from Monday to Friday and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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Crl.O.P.No.15559 of 2023



[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 B.N.S.2023.

21.05.2025

jai/gv

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.”



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Crl.O.P.No.15559 of 202.



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Crl.O.P.No.15559 of 2025

N.SENTHILKUMAR,J

jai/gv

To:

1. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.
3. The District Munsif-cum-Judicial Magistrate,
Madukkarai.

Crl.O.P.No.15559 of 2025

21.05.2025