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Crl.OP.No.15583 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.15583 of 2025

M.Stephen

... Petitioner

-VS-

The State Represented by,
The Special Sub-Inspector of Police
Chettipalayam Police Station,
Coimbatore District.
(Crime No.144 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 by the respondent police in Crime No.144 of 2025 pending investigation on the file of the Special Sub-Inspector of Police, Chettipalayam Police Station, Coimbatore District.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.A.Gopinath,

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



Crl.OP.No.15583 of 2025

WEB COPY

police for the alleged offences under Sections 303 (2) of BNS 2023 and 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.144 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is found in illegal transportation of gravel sand in a tipper lorry without any valid license. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. 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 submitted that the petitioner has indulged in illegal transportation of three units of gravel sand, without any valid permission from the competent authority and no previous case is pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



Crl.OP.No.15583 of 2025

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 and 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, this court is 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 Judicial Magistrate, Madukkarai, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



Crl.OP.No.15583 of 2025

sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) 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;

(b) the petitioner is directed to deposit a sum of **Rs.2,500/- (Rupees Two Thousand and Five Hundred only)** as non-refundable deposit through RTGS /NEFT/cash/demand draft in favour of **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 learned **Judicial Magistrate, Madukkarai, Coimbatore**, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the concerned Judicial



Crl.OP.No.15583 of 2025

Magistrate daily at 10.30 a.m, on 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.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

21.05.2025

“Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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CrI.OP.No.15583 of 2025

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 learned Judicial Magistrate,
Madukkarai, Coimbatore.
- 2.The Special Sub-Inspector of Police
Chettipalayam Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.OP.No.15583 of 2025

N.SENTHILKUMAR,J

gv/jai

Crl.O.P.No.15583 of 2025

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