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Crl.O.P.No.15753 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2025

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHIL KUMAR

CRL OP NO.15753 of 2025

G. Santha Kumar

... Petitioner(s)/ Accused No.2

Vs

State rep. by,
The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.
(Crime No.146 of 2025).

... Respondent(s)

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 by the respondent police concerned in Crime No.146 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. P.M. Jayachandran

For Respondent(s) : 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 offences punishable under Sections 303(2) of BNS r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.146 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had attempted to transport granite stones in a vehicle illegally without any valid permit. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization and ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for

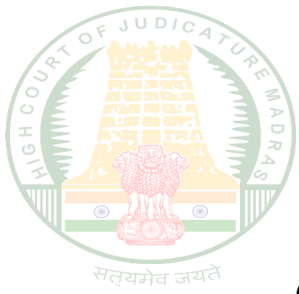


the investigation, and sought for anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner. Taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of The Dean, Stanley Government Medical College and Hospital, Chennai without prejudice to his rights and contentions before the Trial Court.



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6. Accordingly, the petitioner shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit 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** and on such deposit and on receipt of proof of payment, 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.II, Thirupathur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] the petitioner and 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;



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[b] the petitioner shall report before the learned Magistrate/Judge concerned from Monday to Friday at 10.30 a.m for a period of one week and thereafter, shall appear before the respondent police everyday at 10.30 a.m for a period of two weeks;

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

[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 of B.N.S.

22.05.2025

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N. SENTHILKUMAR, J.

stn/ nsl

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 official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate No.II,
Thirupathur.
2. The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.
(Crime No.146 of 2025).
3. The Public Prosecutor,
High Court of Madras.

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