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Crl.O.P.No.15869 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.15869 of 2025

Sivabalan

... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.

(Crime No.101 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.101 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Thirumalaivasan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory



bail in Crime No.101 of 2025 registered for the offence under Sections 303(2) and 326(a) of BNS, 2023.

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2.It is the case of the prosecution that the petitioner had illegally transported two bags of river sand in a two-wheeler bearing Registration No.TN-91-U-4937. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no bad antecedents. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the contraband was seized and the petitioner has no bad antecedents.

5.Heard the learned counsel on either side and perused the materials available on record.



6.Considering the facts and circumstances, the nature of allegations and the fact that the contraband was seized, the petitioner has no bad antecedents and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, 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 of receipt of copy of this order, before the **Judicial Magistrate – II, Virudhachalam**, on condition that the petitioner shall execute a bond for 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 said Magistrate, on further conditions that:

[a] 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;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;



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[c] the petitioner shall not abscond either during investigation or

trial;

[d] the petitioner shall not tamper with evidence or witness

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*** reported in [(2005)AIR SCW 5560];

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

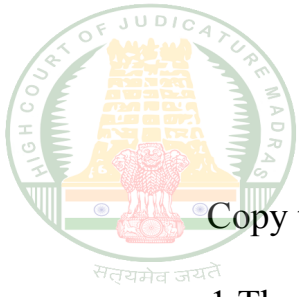
22.05.2025

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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.



Copy to:

1.The Judicial Magistrate – II, Virudhachalam.

2.The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras.



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N.SENTHILKUMAR, J.

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