



Crl.OP.No.16231 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.05.2025

CORAM

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

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Arumugam

... Petitioner(s) /Sole Accused

Vs.

The State represented by,
The Inspector of Police,
Thiruvallam Police Station,
Vellore District.
Crime No.268 of 2021

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.268 of 2021 on the file of the respondent police.

For petitioner(s) : Mr.D.Thirumoorthy

For Respondent(s) : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 430 of IPC and



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Section 21(1) of MMDR Act, 1957 in Crime No.268 of 2021 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand without any permission. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of 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 sand and the vehicle had been seized.



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

6. Considering the nature of allegation, the fact that the vehicle and the sand had been seized, 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 with certain conditions.

7. Accordingly, considering the voluntary submission, 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 Tamil Nadu Advocate's Clerk's Association, Madras; A/c No.484026006; IFSC No.IDB000M157**”, without prejudice to his defence before the trial Court and on such deposit, the petitioner is ordered to be released on bail on her executing 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 **Judicial Magistrate, Katpadi**, and on further conditions that:



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[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 at 10:30 A.M for a period of two months and thereafter, as and when required for interrogation until further orders;

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

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

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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.**

To

1. Judicial Magistrate, Katpadi
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.



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K. GOVINDARAJAN THILAKAVADI, J.
rkp/ata

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