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Crl.O.P.No.16407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16407 of 2025

Mohan

... Petitioner/A2

Vs

State Rep. by
the Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

(Crime No.82 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
the event of his arrest by the respondent police concerned in Crime No.82 of
2025 on the file of Inspector of Police, Arambakkam Police Station,
Thiruvallur District on his appearance before the concerned Court.

For petitioner : Mr.S.Sasikumar

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 303(2) and 326(a) of BNS,



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2023 in Crime No.82 of 2025, on the file of the respondent police, seeks
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anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported 6 units of river sand in Ashok Leyland lorry without permit.
Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and the case has been falsely foisted against him by the respondent for statistical purposes. He further submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police while opposing the grant of anticipatory bail to the petitioner, submitted that the petitioner is the driver cum owner of the lorry.



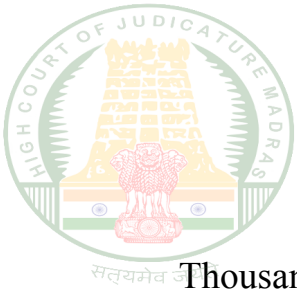
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He illegally transported 6 units of river sand in a lorry without valid license.

He further submitted that A1 in this case has been arrested. He further submitted that the petitioner has got no previous cases.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and the petitioner is directed to make a non-refundable deposit of **Rs.50,000/- [Rupees Fifty Thousand Only]** directly to the credit of “**Advocate Bar Association, Thiruvallur District**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 of receipt of a copy of this order, before the **District Munsif cum Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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 any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m until further orders;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;



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[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.

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To:

1.The District Munsif cum Judicial Magistrate,
Gummidipoondi.

2.The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court Madras.

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