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CRL OP No. 16548 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16548 of 2025

Sivasankaran

Petitioner(s)

Vs

The State represented by
The Inspector of Police,
B2, Thiruvallur Taluk Police Station,
Thiruvallur, Thiruvallur District.
Crime No.169 of 2025

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS Act to enlarge the petitioner on anticipatory bail in connection with the Crime No.169 of 2025 pending investigation on the file of the respondent police.

For Petitioner(s): Mr.M.J.Srinivas

For Respondent(s): Mr.R. Vinothraja GA (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) and 326(a) of BNS Act 2023 in Crime No.169 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information the respondent police conducted search and found the accused loading 40 sand bags each consisting of 25 kgs of Sand in a Mahindra Bolero vehicle bearing Reg.No. TN 21 AM 0879 and on seeing the respondent police accused escaped from the place of occurrence. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. Petitioner is ready to abide any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that 40 bags each consisting of 25 kg of sand was seized and opposed for grant of anticipatory bail to the petitioner.

5. 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.

6. Considering the submissions made by the learned counsel appearing on either sides, the sand illegally transported by the petitioner was seized 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 bail in the



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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 I Judicial Magistrate, Thiruvallur** on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and 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 everyday at 10.30 a.m., for a period of two weeks;**



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[d] The petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) (Non refundable) towards the account of **CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank Challan before the I Judicial Magistrate, Thiruvallur and the receipt shall be produced at the time of executing the bond;**

[e] 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;

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

[g] 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;



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

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[i] 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];

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

12-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.State

Inspector of Police, B2, Thiruvallur
Taluk Police Station, Thiruvallur,
Thiruvallur District.

2. The I Judicial Magistrate,
Thiruvallur.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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