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Crl.O.P.No.18924 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18924 of 2025

Kumaresan

... Petitioner

Vs.

The State rep. by its Inspector of Police,
Santhavasal Police Station,
Tiruvannamalai District.
(Crime No.242 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail
in the event of arrest in connection with Crime No.242 of 2025 on the file of
respondent Police.

For Petitioner : M/s.S.Elvin Niha

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences under Sections 303(2), 326(a) of BNS Act
(Corresponding Section 379, 430 of IPC) and Section 21(1) of the Mines and
Minerals (Development & Regulation) Act in Crime No.242 of 2025, on the
file of the respondent, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner was found in illegal transportation of 3 units of gravel sand. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further, on instruction, submitted that without prejudice to defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.15,000/- [Rupees Fifteen Thousand Only]** as non-refundable deposit directly to the credit of “**Kanchipuram Advocate's Clerks Association in A/c.No.722370801, IFSC Code:TNSC0010200, The Kancheepuram Central Co-operative Bank Ltd,** 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 anticipatory bail on his 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 learned **Judicial Magistrate, Polur** and on further conditions 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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of three weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

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

[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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

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RAP

To

- 1.The Judicial Magistrate, Polur.
- 2.The Inspector of Police,
Santhavasal Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

rap

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