

Crl.O.P.No.19019 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19019 of 2025

Kalaiyaran @ Kalaiyarasu

.. Petitioner/Accused

Vs.

The State Rep by,
The Sub-Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
(Crime No.301 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of the arrest of petitioner by police for the reasons stated in the petitioner, in connection with the case in Crime No.301 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Anbharasu

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



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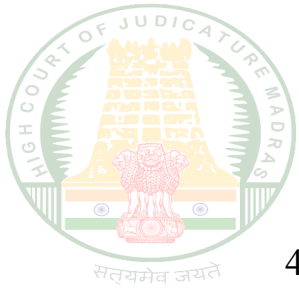
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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 303(2) & 326(a) of Bharatiya Nyaya Sanhita (BNS) [which can be compared to Sections 378 & 430 of Indian Penal Code] and Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.301 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported half unit (1/2 unit) of river sand. Hence, the case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent, has not committed any offence, as alleged by the prosecution and has been falsely implicated in this case. He would further submit that the petitioner has no previous case, he is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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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.

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.

6. Accordingly, 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 on which the order copy made ready, before **the learned Judicial Magistrate, Cheyyar**, 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:



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[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 deposit a sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) (Non refundable) to the credit of the Government Arignar Anna Memorial Cancer Hospital and Research Institute, Kancheepuram in Account No.015701000013540, Indian Overseas Bank, Kancheepuram Main, Kancheepuram - 631 501, IFSC Code: IOBA0000157, and to produce the Bank Challan before the concerned Magistrate and the receipt shall be produced at the time of executing the bond;

[d] the petitioner shall report before the respondent Police for a period of two weeks and thereafter, as and when required for further interrogation;

[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;



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[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;

[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.

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M.NIRMAL KUMAR, J.

cda

To

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

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