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Crl.O.P.No.18950 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

**THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR**

Crl.O.P.No.18950 of 2025

Elumalai

... Petitioner

Vs.

State rep by  
The Inspector of Police,  
Tiruvannamalai Taluk Police Station,  
Tiruvannamalai District.  
(Cr.No.169 of 2025)

... Respondents

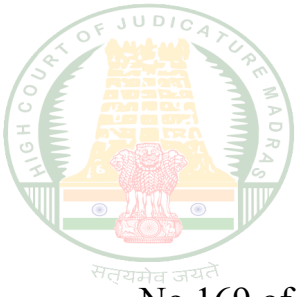
**PRAYER :** Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in the event of his arrest in Cr.No.169 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Shanmugam

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

**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 303(2) and 326(a) of BNS Act 2023 r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime



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No.169 of 2025, on the file of the respondent, seeks anticipatory bail.

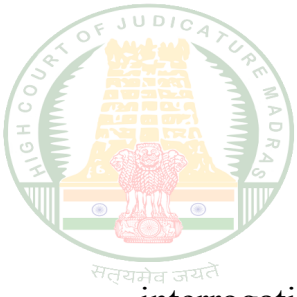
2. The case of the prosecution is that the petitioner had illegally transported 1/2 unit of river sand without valid license. Hence the case.

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 submitted that the petitioner/accused is the owner cum driver of the tractor with trailer and hence opposed for granting anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial



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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 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 No.II, Thiruvannamalai**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] The petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) (Non refundable)** to the credit of **Madras Advocate Co-operative Society Limited, Madras in Account No.484022647, Indian Bank, Madras High Court Branch, Chennai** and to produce the **Bank Challan** before the concerned Magistrate and the receipt shall be produced at the time of executing the bond;

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



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stand automatically cancelled;

[c] 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;

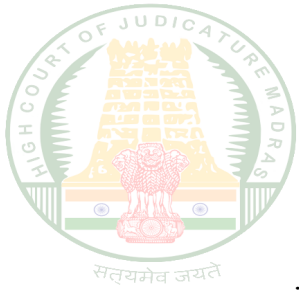
**[d] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;**

[e] 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;

[f] 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;

[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] 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



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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]**;

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

**30.07.2025**

Vv

To

- 1.The Judicial Magistrate No.II, Tiruvannamalai
- 2.The Inspector of Police,  
Tiruvannamalai Taluk Police Station,  
Tiruvannamalai District.
- 3.The Public Prosecutor,High Court of Madras.



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**M.NIRMAL KUMAR, J.**

Vv

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