



WEB COPY

Crl.OP.No.19991 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.19991 of 2025

Sundarraaj @ Sundharaj

... Petitioner

-Vs-

The State represented by,
The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
(Crime No.344 of 2025)

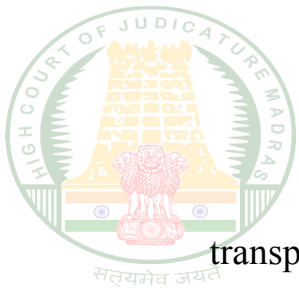
... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner/accused on anticipatory bail in the event of his arrest in Crime No.344 of 2025 pending investigation on the file of the Respondent Police (Thirukoilur Police Station, Kallakurichi District)

For Petitioner : Mr.Magesh Kumar
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957, in Crime No.344 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had illegally transported 50 kg (polythene gunny bag) of river sand in a two wheeler (Splendor plur) bearing Registration Number TN-19-AP-8136 without any permit and licence. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would also submit that without prejudice, the petitioner is prepared to deposit an amount of Rs.10,000/- as non- refundable deposit to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent Police would submit that the petitioner had illegally transported 50 kg (polythene gunny bag) of river sand in a two wheeler (Splendor plur) bearing Registration Number TN-19-AP-8136 without any permit and licence. However, he vehemently opposed to grant anticipatory bail to the petitioner.



WEB COPY

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6. In order to curb the illegal activities, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.10,000/- as non refundable deposit to "The Registered Advocate Clerk Association, Kallakurichi District"**, without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit **Rs.10,000/- to any welfare scheme of the Government**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY

9. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- by way of Demand Draft/RTGS/NEFT to "The Registered Advocate Clerk Association, Kallakurichi 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 on which the order copy made ready, before the **learned Judicial Magistrate, Kallakurichi District**, on condition that the petitioner shall execute separate 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioner is directed to report before the respondent police on every Tuesday & Saturday at 10.30 a.m. for a period of eight weeks and thereafter as and when required for interrogation.**



WEB COPY



[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

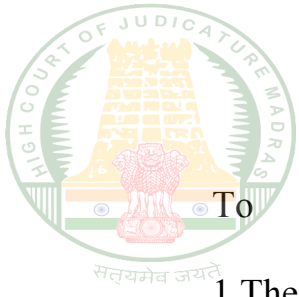
08.09.2025

nvi

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The Inspector of Police,
Thirukoilur Police Station,
Kallakurichi District.
2. The Judicial Magistrate, Thirukoilur at Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY

CrI.OP.No.19991 of 2



T.V.THAMILSELVI,J.,

nvi

CrI.O.P.No.19991 of 2025

08.09.2025