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CrI.O.P.No.21330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.08.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21330 of 2025

K.Ganesh

... Petitioner/Accused

Vs

State rep by its
the Inspector of Police,
T-10, Thirumullaivoyal Police Station (Crime),
Thiruvallur High Road,
EVR Nagammai Nagar, Cholambedu,
Avadi, Chennai – 109.
(Crime No.239 of 2025)

... Respondent

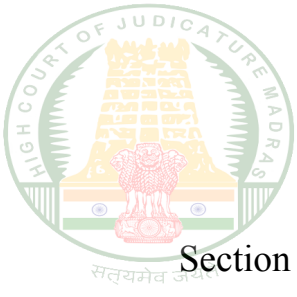
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.239 of 2025 on the file of the respondent police.

For petitioner : Mr.S.Arunkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, 2023 and



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Section 21(1) (2) of the Mines and Minerals (Development and Regulation)

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Act, 1957 in Crime No.239 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had excavated three units of Savudu sand in lorry. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his rights and defence, is ready to deposit a sum of Rs.30,000/- to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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, Ambattur** 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

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dismissed and on further condition that:

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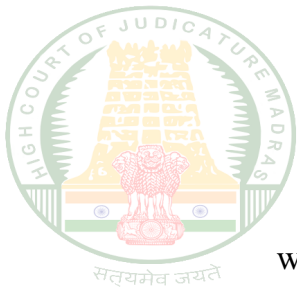
[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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.30,000/- (Rupees Thirty Thousand only) (Non refundable) to the credit of Madras High Court Advocates Association in Account No.484072519, IFSC Code: IDIB000M157, Indian Bank, Madras High Court Branch, High Court, Chennai – 600 104 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 everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[e] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper



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with evidence or witness either during investigation or trial;

[f] the petitioner shall make himself available for interrogation by the respondent 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.

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To

1.The Judicial Magistrate,
Ambattur.

2.The Inspector of Police,
T-10, Thirumullaivoyal Police Station (Crime),
Thiruvallur High Road,
EVR Nagammai Nagar, Cholambedu,
Avadi, Chennai – 109.

3.The Public Prosecutor,
High Court Madras.

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