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Crl.O.P.No.21323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21323 of 2025

Sivakumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Ambalur Police Station,
Ambalur, Thirupathur District.
Crime No.120 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.120 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kumar
For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



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ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNS Act read with Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957 in Crime No.120 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/4 unit of river sand. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner, stating that the petitioner has one previous case.

5. Heard the learned counsels on either side and perused the materials



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6. Considering the nature of the complaint, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as non-refundable deposit to the credit of Advocates Clerks Association, Thirupathur**, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order before the learned **Judicial Magistrate, Vaniyambadi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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;

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks.

[d] 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]**;

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

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To

- 1.The Judicial Magistrate,
Vaniyambadi.
- 2.The Inspector of Police,
Ambalur Police Station,
Ambalur, Thirupathur District.
- 3.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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