



Crl.O.P.No.22858 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22858 of 2025

S.Sivapathi

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.186 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
arrest in connection with Crime No.186 of 2025 on the file of respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj
for Mr.G.Magesh Kumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **303(2), 336(3) & 340(2) of BNS, 2023, in Crime No.186 of 2025**, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transporting 6 units of river sand. The driver of the vehicle already arrested. The vehicle seized and the confiscation proceedings is under consideration. Hence, the 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. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prayed for grant of anticipatory bail to the petitioner.



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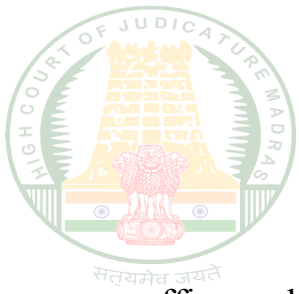
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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the accused has got one previous case against him. The vehicle used for transporting the mineral illegally has been seized. Hence, opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the above statement of the learned Government Advocate (Crl.Side) and the fact that the petitioner herein has got one previous case against him, 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, **on or before 28.08.2025** before the learned **Judicial Magistrate-II, Namakkal**, 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



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officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

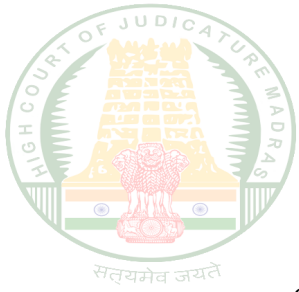
(a) the petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand Only) to the credit of Crime No.186 of 2025 on the file of the Judicial Magistrate-II, Namakkal, , on or before 28.08.2025;

[b] if the petitioner fails to surrender before the concerned Magistrate on or before 28.08.2025, this Order shall 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 daily morning at 10.30 a.m., and evening at 5.30 p.m., until further orders;

[e] 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



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Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)13 SCC 283];

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

18.08.2025

dna

To

1.The Judicial Magistrate-II, Namakkal.

2.The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.186 of 2025)

3.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.
dna

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