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Crl.OP.No.24155 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24155 of 2025

Surya

... Petitioner

Vs.

The State Rep by its
Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District
(Cr.No.403 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 Cr.No.403 of 2025 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj Elangovan
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

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



(Corresponding Section 379, 430 of IPC) and Section 21(5) of the Mines and Minerals (Development & Regulation Act, 1957 in Crime No.403 of 2025, on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner/accused had illegally transported five bags of river sand in a two wheeler. Hence, the case .

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the respondent police had seized five bags of river sand in the two wheeler bearing Regn.No.TN-10-AQ-3418, in which the river sand were alleged to have been transported. He further submitted the petitioner herein abandoned



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the vehicle and fledged, on seeing the police party. He further submitted that the vehicle seized and the procedure for confiscation is contemplated. Hence, he opposed to grant bail to the petitioner.

5. Considering the said fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,500/- [Rupees Two thousand and five hundred Only]** to the credit of **Crime No.403 of 2025** before the trial Court and 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, **on or before 19.09.2025**, before the *learned Judicial Magistrate, Cheyyar, Tiruvannamalai* 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that

[a] if the petitioner fails to surrender before the concerned Magistrate on or before 19.09.2025, this



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order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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]**;

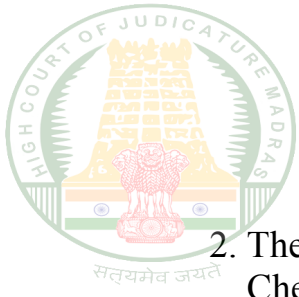
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

03.09.2025

Vv
To

1.The Judicial Magistrate,
Cheyyar, Tiruvannamalai

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2. The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District

3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.

Vv



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