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Crl.O.P.No.27184 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.27184 of 2025

Sivaraj

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Portonovo Police Station,
Cuddalore District – 606 105.
Crime No.249 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.249 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)



CrI.O.P.No.27184 of 2025

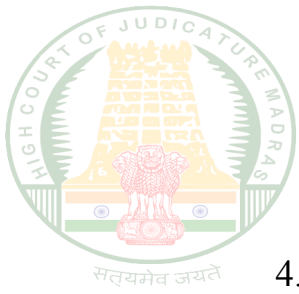
ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 105 of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.249 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is a quarry licence holder, was permitted to quarry up to a depth of 6 feet; however, he had quarried to a depth of about 40 feet. Subsequently, the quarry was filled with water, and two children who went there to bath drowned and died. Hence, the complaint was lodged against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the quarrying activities were carried out as early as in the year 2023, whereas the occurrence took place in the month of August, 2025. He further submitted that entire area had been properly closed and fenced, and that the petitioner is not responsible for the unfortunate incident. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.27184 of 2025

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of anticipatory bail, reiterating the prosecution case, and submitted that the investigation is still pending.

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

6. Considering the submissions made by the learned counsels on either side and taking into fact that the children had entered the quarry for bathing and it resulted unfortunate incident causing deaths to two children, and that custodial interrogation of the petitioner is not necessary, 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 ten days from the date of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate, Parangipettai**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:



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CrI.O.P.No.27184 of 2025

[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 [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 for a period of two weeks, and thereafter as and when required for interrogation;

[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.

10.10.2025

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CrI.O.P.No.27184 of 2025

To

- 1.The District Munsif cum Judicial Magistrate,
Parangipettai.
- 2.The Inspector of Police,
Portonovo Police Station,
Cuddalore District – 606 105.
- 3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.27184 of 2025

K.RAJASEKAR, J.

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Crl.O.P.No.27184 of 2025

10.10.2025