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Crl OP No.4778 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 24.02.2025

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.4778 of 2025

Sakthivel

... Petitioner

Versus

State rep by  
The Inspector of Police,  
Udayarpalayam Police Station,  
Ariyalur District.  
Crime No.277 of 2024.

... Respondent

**Prayer:** Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest pending investigation in Cr.No.277 of 2024 on the file of the respondent police.

For petitioner : Mr.T.Murganantham

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.Side)

**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(1) of M.M (D and R) Act and Section 303 (2) of BNS Act in Crime No.277 of 2024, seeks anticipatory bail.



2. The case of the prosecution is that, the petitioner had illegally transported 1 unit of river sand in a lorry.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that there are three previous cases against the petitioner and he is on bail in those cases

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the fact that the petitioner is on bail



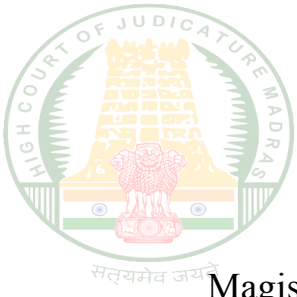
in the other cases and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 is made ready, before the ***Judicial Magistrate-II Court, Jayankondam*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 dismissed and on further conditions that:

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

**[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;**

**[c] the petitioner shall not abscond either during investigation or trial.**



Crl OP No.4778 of 2025

[d] 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 is 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

24.02.2025

Vv

To

1. The Judicial Magistrate Court-II,  
Jayakondam.
2. The Inspector of Police,  
Udayarpalayam Police Station,  
Ariyalur District.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**SUNDER MOHAN, J.**

**Vv**

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