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CRL OP No. 35



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35915 of 2025

Elumalai

Petitioner(s)

Vs

State by Sub-Inspector of Police,
Dusi Police Station, Thiruvannamalai
District Crime No.479 of 2025

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS to grant anticipatory bail to the petitioner in the event of the arrest of petitioner by police for the reasons stated in the petition, in connection with the case in Crime No.479 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.A.Anbharasu

For Respondent(s): Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) of BNSS (Which can be compared to Sections 378 and 430 of IPC) and Section 21(1) of the Mines and Mineral (Development & Regulation) Act, 1957 in connection with the Cr. No.479 of 2025, seek



anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, while the respondent police patrolling within their limits, at that time, they found the petitioner illegally transporting two units of Morambu sand in a Mini Lorry bearing Reg.No.TN 25 BX 2634 without any permit. Hence, the case.

3. Learned counsel for the petitioner submitted that petitioner is an innocent person, and he has been falsely implicated by the respondent police and he is no way connected with the offences as alleged by the prosecution and hence he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) would submit that on the date of the alleged occurrence, while the respondent police patrolling within their limits, at that time, they found the petitioner illegally transporting two units of Morambu sand in a Mini Lorry bearing Reg.No.TN 25 BX 2634 without any permit. He further submitted that the contraband and the vehicle used by the petitioner to transport the contraband were seized by the respondent police and that the petitioner has no previous cases, pending against him. However, he strongly objected to grant anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both side counsel, nature of offence, and the alleged contraband has been seized by the respondent police and that no previous cases are pending against petitioner, and also considering all other factors, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Cheyyar** 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 and on further condition that:

[a] the petitioner shall report before the **respondent police on every Saturday at 10.30 am., for a period of four weeks and thereafter as and when required for interrogation.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them



from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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[c] the petitioner shall not leave India without the previous permission of the Court;

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30-12-2025

jai/grs

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The Sub-Inspector of Police,
Dusi Police Station, Thiruvannamalai
District .
2. The Judicial Magistrate, Cheyyar.
3. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL J.

jai/grs

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