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Crl.O.P.No.35970 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35970 of 2025

Mahesh @ Maheswaran

... Petitioner / Accused

Vs

State Rep. by
The Inspector of Police
Peranamallur Police Station
Thiruvannamalai District.
(Crime No.251/2025)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S.
praying to enlarge the Petitioner on bail in the event of his arrest in connection
with Crime No.251 of 2025 on the file of the Respondent Police.

For Petitioner : Mr.VR Appaswamee

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

ORDER

The petitioner, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS Act r/w 21(5) of Mines and Minerals Act in connection with the Cr.No.251 of 2025, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had illegally transported 25kg of river sand on a motorcycle without any transit pass. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that he has not committed any offence as alleged by the prosecution. He also 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 prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate [Criminal Side] on instructions submitted that the petitioner was illegally transported 25kg of river sand on a motorcycle without any valid license from the competent authority. He further submitted that the petitioner is involved in one previous case. However, he opposed to grant anticipatory bail to the petitioner.

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



6. Considering the nature of offence and quantity involved, though the petitioner is involved in one previous case, as he has been granted bail in previous case, 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 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) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen 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 every Saturday at 10.30 a.m 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.

30.12.2025

jas/sp

Note :

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



To:

1. The Judicial Magistrate, Cheyyar.

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2. The Inspector of Police
Peranamallur Police Station
Thiruvannamalai District.

3. The Public Prosecutor
High Court, Madras.



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P.DHANABAL, J.,

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