

D.Kumar vs State by

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SooperKanoon Citation : sooperkanoon.com/1844162

Court : Chennai

Decided On : Mar-19-2025

Judge : Honourable Mr.Justice Sunder Mohan

Appeal No. : CRL OP/7515/2025

Appellant : D.Kumar

Respondent : State by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN D.Kumar ...
Petitioner(s) /Accused Vs. State by The Inspector of Police, J-8,
Neelangarai Police Station, Adaiyar, Chennai. ... Respondent(s)/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.111 of 2025 on the file of the respondent. For petitioner(s) :

Mr.N.Anandan For Respondent(s) : Mr.S.Santhosh, 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 MMDR Act, 1957, Page No.1 of 7 in Crime No.111 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 5 units of 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 to the petitioner.

4. The 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 is one previous case of similar nature against the petitioner and he is on bail in that case.

5. Taking note of the facts and circumstances of the case, the nature of

allegations, submissions made by the learned counsels on either side, the fact that the contraband was seized, the petitioner is on bail in the other case and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to Page No.2 of 7 the petitioner with certain conditions.

6. 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 is made ready, before the Judicial Magistrate, Saidapet, 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 condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity. [b] the petitioner shall appear before the respondent police twice a week at 10.30 a.m., until further orders. [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

Page No.3 of 7 [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 absconds, a

fresh FIR can be registered under Section 269 BNS. 19.03.2025 Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No Internet: Yes/No skr Page No.4 of 7 To

1. The Inspector of Police, J-8, Neelangarai Police Station, Adaiyar, Chennai.
2. The Public Prosecutor, Madras High Court, Chennai.
3. Judicial Magistrate, Saidapet Page No.5 of 7

SUNDER MOHAN, J.

