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CrI.O.P.No.2397 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-01-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2397 of 2025

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Petitioner(s)

Vs

State Rep by the
Inspector Of Police, R.K.Pet Police Station,
Thiruvallur District (Crime No.589/2024)

Respondent(s)

For Petitioner(s): G.P. Sivakumar

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) and 326(a) of BNS r/w. Section 21(1) of MMDR Act in Crime No.598 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 25.01.2025, while the



respondent police were conducting vehicle inspection near Srivilasapuram bus stop area, they found that the accused was involved in illegal transportation 4 units of savudu sand in a tipper lorry bearing Registration No.TN-22-CJ-8436, which belongs to the petitioner herein and on seeing the police, the accused had fled away from the spot. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution and he is the owner of the said lorry and without his knowledge, his vehicle has been used for the alleged offence; that the co-accused was arrested and released on bail; and that the petitioner is also ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner along with other accused was involved in illegal



transportation 4 units of savudu sand in his vehicle. He also submitted that the petitioner has no previous cases and the investigation is pending.

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, the submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases and since, custodial interrogation of the petitioner is not required in this case, 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 fifteen days from the date on which the order copy made ready, before **the District Munsif cum Judicial Magistrate Court, Pallipet** on condition that the petitioner shall execute a separate 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 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 report before the respondent police on every Monday and Thursday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 petitioner in accordance with law as if the 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)AIR SCW 5560]*.



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

31.01.2025

stn

To

1. State Rep. by
The Inspector Of Police,
R.K.Pet Police Station,
Thiruvallur District
(Crime No.589/2024

SUNDER MOHAN, J.

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