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Crl.O.P.No.2541 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2541 of 2025

Manimaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chengam Police Station.
(Crime No.499 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.499 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Arvind Athithan

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2), 326(a) BNS r/w.21(1) MM Act, in Crime No.499 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that while the respondents were on regular patrol duty, they found that the petitioner along with A2 was transporting $\frac{1}{2}$ unit of river sand in Bolero Pick up vehicle bearing registration No. TN 28 AM 8283 and on seeing the police people had abandoned the Bolero Pick up cart and the sand, and ran away from the place. Hence, the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that in any case, the custodial interrogation is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner has illegally transported $\frac{1}{2}$ unit River sand without a permit or license. He would further submit that there are three previous cases against the petitioner. Hence, he vehemently opposed to grant anticipatory bail.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and



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willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

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

7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to “**District Legal Services Authority, Tiruvannamalai District**”, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

8.Considering the quantity of river sand; and the nature of allegations and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. Accordingly, petitioner is directed to make a non-refundable deposit of Rs.10,000/- directly to the credit of “District State Legal Services Authority, Tiruvannamalai District”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 Court, Chengam***, 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 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 daily at 10.00 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.



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[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]**;

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

03.02.2025

dpa

To

1. The Judicial Magistrate Court
Chengam.
2. The Inspector of Police,
Chengam Police Station.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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