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Crl.O.P.No.4663 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4663 of 2025

Manivel Govindaraj ...Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.58 of 2025)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.58 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.Kumarasamy

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 Section 303(2) of BNS 2023 in Crime No.58 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner is the owner of lorry, which was seized for illegally transporting 300 units of red sand. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioner.

4. 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 submitted that the petitioner has no previous case.

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.

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6. Taking into consideration the facts and circumstances of the case, considering the nature of offence, the fact that the petitioner has no previous cases and since, custodial interrogation is not required, 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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate, Omalur**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] 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



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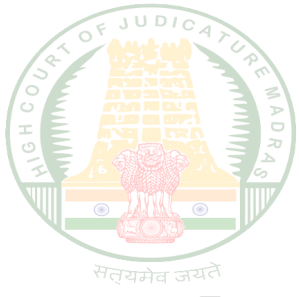
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or Bank pass Book to ensure their identity;

- [b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.02.2025

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
Deevattipatti Police Station,
Salem District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The Judicial Magistrate,
Omalur.

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