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Crl OP No.5407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5407 of 2025

Anand @ Dhanajayan

... Petitioner

Versus

State, rep by
Inspector of Police,
Thirubhuvanai Police Station,
Puducherry.
(Cr.No.7 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Cr.No.7 of 2025 on the file of the respondent police.

For petitioner : Mr.K. Raveendran

For Respondent : Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor
(Puducherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 305(a), 3(5) of BNS Act in Crime No.7 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that A1 to A3 were employees under the Food Corporation of India Godown, Thiruvandar Koil, Pondicherry; that they have committed a theft of 450 bags of rice, each bags containing 50 kgs and had transported the same into lorry and that A4 is the owner of lorry and A5 is one of the drivers of the lorry and A6 is the petitioner/another driver who had driven the lorry from Ariyur to Embale.

3. Learned counsel appearing for the petitioner would submit that the allegations are false; that the petitioner is not aware of the alleged theft and he is only the driver of the said lorry and in any case, since the contraband was seized, the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor (Puducherry) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that all the other accused have been arrested and contraband had been seized and the petitioner had driven the lorry for a distance between the said places above.

5. Considering the nature of allegations, the fact that the petitioner is a driver and the other accused were arrested and remanded to judicial



custody and the contraband had been seized and since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned **Judicial Magistrate-VI, Puducherry** 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 10.30 a.m., until further orders.

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



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trial.

[d] the petitioner shall not abscond either during investigation or

[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 is 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.

27.02.2025

Vv

To

1. The Judicial Magistrate-VI,
Puducherry.
2. The Inspector of Police,
Thirubhuvanai Police Station,
Puducherry.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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