



Crl.OP.No.5592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.02.2025

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THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5592 of 2025

Manikandan

...Petitioner/Accused (Single)

Vs.

The State Rep. by its Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
(Crime No.65/2025)

...Respondent/Complainant

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.65 of 2025 on the file of the respondent Police station.

For Petitioner : M/s.E.Sathiyaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.Side)



ORDER

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The petitioner/single accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) and 326 of the Bharatiya Nyaya Sanhita (BNS) (Corresponding Sections 379 and 430 of the IPC) and Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.65 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 2 units of sand in a lorry bearing Reg.No.TN-F-5294 without a valid license. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent; that he has been falsely implicated in this case and prayed for granting 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 against the petitioner and he is on bail in that case.



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5. Taking note of the facts and circumstances of the case, the nature of the allegations, the submissions made by the learned counsels on either side, the fact that the contraband was seized, the fact that 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 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 **learned Judicial Magistrate, Polur, Tiruvannamalai District**, 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



CrI.OP.No.5592 of 2025

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;

[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.

28.02.2025

Internet : Yes / No

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To

1.The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.

2.The Judicial Magistrate, Polur,
Tiruvannamalai District.



CrI.OP.No.5592 of 2025

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

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SUNDER MOHAN , J.

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Crl.OP.No.5592 of 2025

Crl.O.P.No.5592 of 2025

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