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CrI.OP.No.6077 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.6077 of 2025

Subramani @ Subramaniyan ... Petitioner(s) /Accused

Vs.

State rep. by the Inspector of Police,
Keelapalur Police Station,
Ariyalur District. ... Respondent(s)/ Complainant
Crime No.44 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.44 of 2025, on the file of the respondent police.

For petitioner(s) : Mr.Iyyapparaj

For Respondent(s) : Mr.S.Santhosh,
Government Advocate (CrI.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4) and 316(2) of BNS, 2023, on the file of the respondent police, in Crime No.44 of 2025, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner, being the vehicle owner, was engaged by the defacto complainant to transport coal; and that subsequently, the defacto complainant discovered that the petitioner had removed the original coal and replaced it with ashes. Hence the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that the Driver of the petitioner and other accused have already been arrested and released on bail; and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

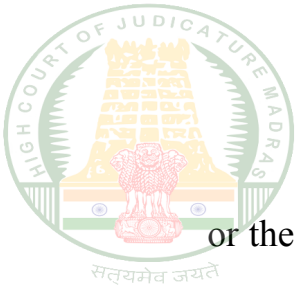


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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the co-accused were arrested and subsequently released on bail and that there are two previous cases against the petitioner and he is on bail in those cases.

5. Considering the aforesaid facts and the nature of allegation; and that custodial interrogation 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **II Judicial Magistrate, Ariyalur**, 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 daily at 10:30 a.m.

[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/



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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.

20.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. II Judicial Magistrate, Ariyalur



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SUNDER MOHAN, J.

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