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Crl O.P.No.8337 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8337 of 2025

Mahendran @ Magesh

Petitioner/A1

Vs

The State Rep by,
The Inspector of Police,
Melpadi Police Station,
Vellore District.
(Crime No.12 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 12 of 2025 pending
on the file of the respondent police.

For Petitioner : Mr.M R Thangavel
For Respondent : Mr.S.Santhosh
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)and
326(a) of the BNS,2023 in Crime No.12 of 2025, on the file of the
respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that co-accused had illegally transported 8 units of river sand and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, he has been falsely implicated in this case, the petitioner is the owner of the lorry, the petitioner was sought to be implicated on the confession of the co-accused and in any case, custodial interrogation of the petitioner is not required; without prejudice to his contention, is prepared to deposit an amount of Rs.5,000/- towards any charitable organization or association and prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner has two previous cases.

5. 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)** to the credit of ' Legal



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Services Authority, Vellore District' without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Taking into consideration the facts and circumstances of the case, the nature of the allegation, the contraband were seized, the petitioner is sought to be implicated on the confession of the co-accused, the petitioner is on bail in other two previous cases and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Katpadi** 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, failing which, the petition for anticipatory bail shall



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stand dismissed and on further condition that:

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[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 everyday 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.03.2025

vca

To:

1. The Melpadi Police Station,
Vellore District.
2. The Judicial Magistrate,
Katpadi.
3. The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J.



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