



Crl.O.P.No.15047 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15047 of 2025

Mamalaivasan

... Petitioner

-VS-

The State Represented by,
The Inspector of Police,
Vellimedupettai Police Station,
Villupuram District.
(Crime No.67 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory
bail in the event of arrest in Crime No.67 of 2025 on the file of the Inspector of
Police, Vellimedupettai Police Station, Villupuram District.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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ORDER

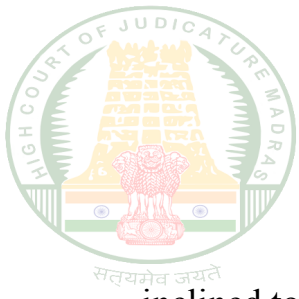
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 303(2) of BNS, 2023 (379 of IPC) in Crime No.67 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 06.05.2025 at about 12.00 pm, while the respondent police was in regular patrolling near Vadasiruvalur Village, they found A1 in this case transported 1 unit of gravel sand, A1 is the driver of the vehicle, he was arrested and remanded to judicial custody, the petitioner is the A1 in this case and he is the owner of the vehicle and thereby based on the complaint given by the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was illegally transporting 1 unit of gravel sand without having valid permission and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and the petitioner is directed to make a non-refundable deposit of **Rs.5,000/- [Rupees Five Thousand Only]**, directly to the credit of “**Advocate Bar Association, Villupuram District**”, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 No.1, Tindivanam*, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression



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in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days;

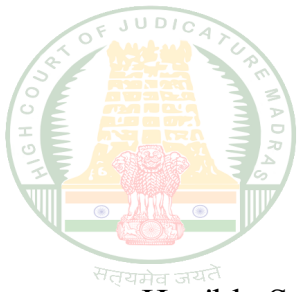
(d) the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall make himself available for interrogation by a Police office as and when required;

(f) the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

16.05.2025

rna

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The learned Judicial Magistrate No.1,
Tindivanam.
- 2.The Inspector of Police,
Paradarami Police Station,
Paradarami, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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