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Crl.O.P.No.15030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.05.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN

THILAKAVADI

CRL OP No. 15030 of 2025

1. Lakshmipathi

2. Prakash

... Petitioners

VS

State rep. by,
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
(Crime No. 298 of 2019)

... 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 his arrest in Crime No. 298 of 2019 on the file of the Respondent.

For petitioner : Mr.Vijayaragavan Marimuthu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 403, 407, 420 and 506(i) of IPC in Crime No.298 of 2019, seek anticipatory bail.



CrI.O.P.No.15030 of 2025

WEB COPY

2. The case of the prosecution is that the defacto complainant is running a forwarding Agency and he had engaged the petitioners as Drivers for transporting cement at Thamaraiikulam Branch, on rental basis. Accordingly, on 08.08.2019 and 08.09.2019, the petitioners transported the cement through lorries, however, they failed to deliver the same to the customers and thereby the defacto complainant suffered loss about Rs.4,50,000/-. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence and he has been falsely implicated in this case. He further submitted that the petitioners, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.50,000/-, to any welfare scheme of the Government or any other organization. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions, submitted that the contraband were seized.

5. Heard both sides and perused the materials available on record including the First Information Report.



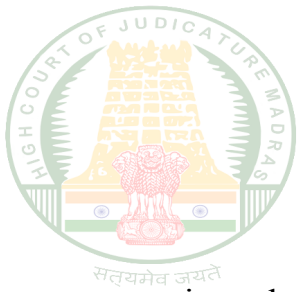
CrI.O.P.No.15030 of 2025

WEB COPY

6. Further, considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of **Tamil Nadu Advocate's Clerk's Association', Account Name:Tamil Nadu Advocate's Clerk's Association, Account No.484026006, Branch:Indian Bank, High Court, IFSC NO.IDIB000M157** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Ariyalur** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** for a like sum to the satisfaction of the respondent police or the police officer who



CrI.O.P.No.15030 of 2025

WEB COPY

intends to arrest or to the satisfaction of the learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two months and thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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CrI.O.P.No.15030 of 2025

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 of
B.N.S.

28.05.2025

GV

“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 Judicial Magistrate No.I, Ariyalur.
2. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.15030 of 2025

K. GOVINDARAJAN THILAKAVADI.,J.

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CRL OP No. 15030 of 2025

28.05.2025