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Crl.O.P. No.16995 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.16995 of 2025

1. Manikandan
2. Pushparaj

... Petitioners/ Accused 2 & 3

Vs.

The State Rep. By,
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
(Crime No.65 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.65 of 2025, on the file of the respondent police.

For Petitioners : M/s. D. Padmanabhan

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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Crl.O.P. No.16995 of 2025

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 274, 275 and 123 of BNS, 2023 r/w Section 24(1) of COTPA Act, 2003 in Crime No.65 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the respondent police were on their routine inspection duty near Neymur bus stop, they found that the accused/ A1 was involved in illegal possession of 150 nos. of Hans packets; that based on the confession of A1, it is revealed that the petitioners herein were also involved in the aforesaid offence. Hence, this case.

3. The learned counsel appearing for the petitioners seeks permission of this Court to withdraw the anticipatory bail application in respect of the second petitioner herein/ Pushparaj, who has previous cases of similar nature and he has also made an endorsement to that effect in the case bundle.

4. The learned counsel appearing for the petitioners further



Crl.O.P. No.16995 of 2025

submitted that the first petitioner herein/ Manikandan is innocent and he has been falsely implicated in this case, based on the confession of the arrested accused and he had never committed any offence as alleged by the prosecution. He further submitted that A1 was arrested and released on bail by the Sessions Judge, Villupuram vide an order dated 08.05.2025 in C.M.P.No.1946 of 2025. He also submitted that the petitioner has no bad antecedents and without prejudice to his rights, is ready to deposit a total sum of Rs.5,000/- to any welfare scheme of the Government or any other organization and that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the first petitioner/ Manikandan.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners herein are arrayed as A2 and A3 in this case; that the first petitioner herein has no bad antecedents and the second petitioner herein has two previous cases of similar nature; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.



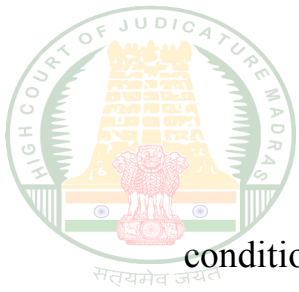
Crl.O.P. No.16995 of 2025

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6. In view of the submission and endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the second petitioner/ Pushparaj.

7. Taking note of the facts and circumstances of the case, the nature of allegation against the first petitioner/ Manikandan, submissions made by the learned counsels on either side, the co-accused/ A1 was arrested and released on bail, the fact that the first petitioner has no bad antecedents, the voluntary submission made by the learned counsel appearing for the petitioner regarding depositing a sum of Rs.5,000/- towards any Government welfare scheme or any other organization and since custodial interrogation of the first petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

8. Accordingly, the first petitioner/ Manikandan 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 made ready, before **the learned District Munsif cum Judicial Magistrate, Vikkaravandi** on

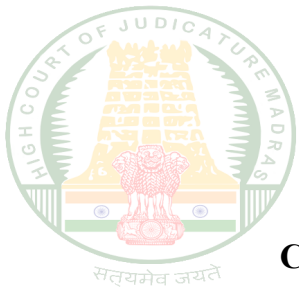


condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the first petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stands automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression 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 any one of identify proofs to ensure their identity;

[c] **The first petitioner/ Manikandan shall deposit a sum of Rs.5,000/-(Rupees Five Thousand only) (Non refundable) towards the account of CANCER INSTITUTE (WIA), Adayar, Savings Bank Account maintained at Andhra Bank, Madhya Kailash Branch, Cancer Institute(WIA), Dr.S.Krishnamurthi Campus, Sardar Patel Road, Chennai-36, bearing SB Account No.149710011005477, IFS Code No.ANDB0001497, Branch Name and Code 1497, MICR No.600011049 and to produce the Bank**



Crl.O.P. No.16995 of 2025

Challan before the Judicial Magistrate, Vikkaravandi and the
receipt shall be produced at the time of executing the bond;

[d] the first petitioner/ Manikandan shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

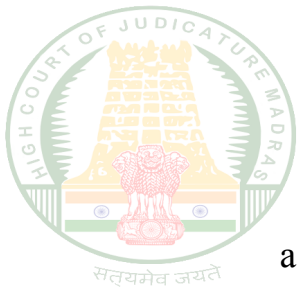
[e] the first petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the first petitioner shall make himself available for interrogation by a Police office as and when required;

[g] the first 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;

[h] the first petitioner shall not abscond either during investigation or trial;

[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



Crl.O.P. No.16995 of 2025

WEB COPY

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];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

8. Accordingly, this criminal original petition is ordered.

19.06.2025

stn

To

1. The District Munsif cum Judicial Magistrate,
Vikkaravandi.
2. The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
(Crime No.65 of 2025)
3. The Public Prosecutor, High Court of Madras.



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Crl.O.P. No.16995 of 2025

M. NIRMAL KUMAR, J.

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Crl.O.P. No.16995 of 2025

19.06.2025