



WEB COPY



CrI.O.P.No.17606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17606 of 2025

S.Nellai Ganesan

... Petitioner

Vs

The State Rep By its,
The Inspector of Police,
Peelamedu Police Station, Coimbatore City,
Tamilnadu – 641 004 (Cr.No.372 of 2025).

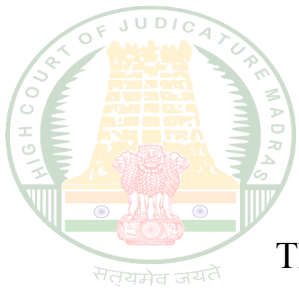
... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on
Anticipatory Bail in the event of arrest by the respondent Police in Crime
No.372 of 2025 on the file of the respondent Police.

For Petitioner : Mr.R.Dayalan

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

ORDER



Crl.O.P.No.17606 of 2025

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 336(2), 336(6), 340(2) of BNS and Sections 3(2)(a), 3(2)(c) & 14 of Foreigners Act, 1946 and Section 34 of Aadhar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 in Crime No.372 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.05.2025 at about 11.00 a.m., the Sub Inspector, Special Sub Inspector and Head Constable attached to the respondent Police were in road check, at that time, 13 male persons were standing in front of Auro Exports company suspiciously. When the Police had enquired the said persons, they replied in Hindi and Urdu, thereafter on further enquiry, it came to light that they belong to Bangladesh and with the help of the petitioner, without any valid document, they came to India and working in Auro Exports company. Hence, the complaint.

3.The learned counsel for petitioner submits that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submits that there is no proof to show the petitioner had brought the



Crl.O.P.No.17606 of 2025

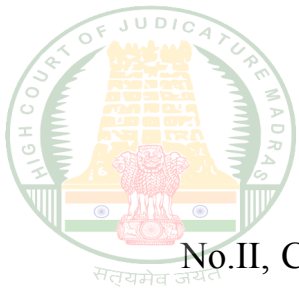
WEB COPY
said 13 Bangladesh citizens to India. Further, only on the confession of co-accused, the petitioner is arrayed as accused/A14. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4.Learned Government Advocate (Criminal Side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that without valid document and passport, the petitioner had brought 13 Bangladesh citizens (A1 to A13) to India and made arrangement for work in Auro Exports company.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate



Crl.O.P.No.17606 of 2025

No.II, Coimbatore 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, 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;

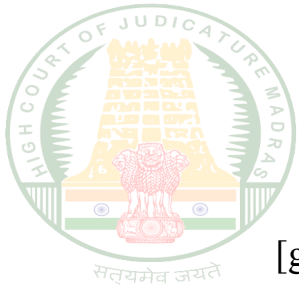
[b]The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c]the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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 themselves available for interrogation by a Police officer 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, they shall comply to the directions as may be given by the Court in this regard;



CrI.O.P.No.17606 of 2025

WEB COPY

[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 petitioners 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];

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

26.06.2025

vv2

To

1.The Judicial Magistrate No.II,
Coimbatore.

2.The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.

3.The Public Prosecutor,
Madras High Court.



WEB COPY



CrI.O.P.No.17606 of 2025

M.NIRMAL KUMAR, J.

vv2

CrI.O.P.No.17606 of 2025

26.06.2025