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Crl.O.P.No.27350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.10.2025**

CORAM:

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.27350 of 2025

Arunkumar
S/o. Subramanian,
2A, Vairakulam Street,
Chithuoragadam, Ambatur,
Thiruvallur District.

... Petitioner

Versus

The State of Tamil Nadu represented through
The Inspector of Police,
Nallur Police Station,
Krishnagiri District.
(Crime No.74 of 2025)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to release the petitioner/accused No.5 on bail in the event of their arrest in case in Crime No. 74 of 2025 pending on the file of the Respondent Police.

For Petitioner : Mr. G. Meganathan

For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(2)(c) and 14 of Foreigners Act, 1946 in connection with the Crime No.74 of 2025 pending on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner helped the co-accused, who are Bangladeshi nationals, by allowing them to stay in India unlawfully without any valid Passports, Visas, or necessary documents. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case; that the petitioner has never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertakes to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner. He also submitted that the co-accused was already granted bail by this Court



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vide order dated 30.07.2025 in Crl.O.P.No.21370 of 2025.

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4. Learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of bail to the petitioner and reiterated the prosecution's case. On instructions, he submitted that the petitioner, who is employed with a travel agency, had allegedly assisted the co-accused in entering into our country illegally without any valid documents. However, he submitted that the petitioner has no previous criminal antecedents. Further, he submits that the investigation has been completed, the final report has been filed before the learned Judicial Magistrate No.2, Hosur, showing the petitioner/A5 as an absconding accused. The Trial Court has also taken the case on file in C.C.No.495 of 2025.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side and



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considering the fact that the case is pending trial and the fact that co-accused has been already granted bail, this Court is inclined to grant 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Hosur**, 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] 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 learned Judicial Magistrate No.II, Hosur, daily at 10:30



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A.M., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[d] the petitioner shall not abscond either during investigation or during the 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 was 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].

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

03.10.2025

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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**



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on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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- 1.The learned Judicial Magistrate No.II, Hosur.
- 2.The Inspector of Police,
Nallur Police Station, Krishnagiri District.
(Crime No.74 of 2025)
- 3.The Public Prosecutor, High Court of Madras, Chennai – 104.



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N.SENTHILKUMAR, J.

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