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Crl.O.P.No.32122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32122 of 2024

S.Saravanan

Petitioner(s)

Vs

The State represented by,

The Inspector of Police,

E2, Thirukalukundram Police Station,

Thirukalukundram, Chengalpet District.

Crime No.540 of 2024

Respondent(s)

For Petitioner(s):

M/s.S.Hansiya Begum

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.540 of 2024 registered for the offence punishable under Section 318(4) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. She would submit that earlier based on the complaint given by the defacto complainant on 19.08.2024, the respondent police had issued a letter dated 22.10.2024 to the alleged Gopikrishnan, calling upon him to appear for enquiry and it was further alleged that the defacto complainant was advised not to sell or



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move the paddy bundles without the police permission. She would further

submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail is that, the defacto complainant is procuring paddy and doing business on commission basis. He would submit that the petitioner/A-3 is a agent with whom the defacto complainant was doing business. He would submit that due to earlier dispute, the petitioner has stationed the lorry in the weighbridge area and the defacto complainant asked one Ayyapa Reddy to transport the paddy to his known destination. He would submit that A-1 and A-2 are the owner and driver of the lorry, without obeying the instructions of the defacto complainant, had transported the paddy and given to one Gopikrishnan. Subsequently, it was found that, based on the instruction given by the petitioner, co-accused/A-1 and A-2 had stationed the lorry in the Gopikrishnan's mill and thereby, causing loss to the tune of Rs.6,29,000/- to the defacto complainant. He would submit that, earlier a complaint was registered in CSR.No.1736 of 2024 before the Thirukalukundram Police Station and the petitioner was called for enquiry, subsequently, the complaint was dropped.

4. Having heard the learned counsel for the petitioner, the learned



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Government Advocate (Criminal 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.

5. 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, Thirukalukundram, Chengalpet District**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

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



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[d] the petitioner 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 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]**;

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

24.01.2025

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