



Crl.OP.No.19467 of 2024

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P.DHANABAL,J

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of The Bharathya Nyaya Sanhita (BNS)2023, in Crime No.346 of 2024, on the file of the respondent, seeks anticipatory bail.

2.The prosecution's case is that the defacto complainant is a driver at V.J.Enterprises, filed a complaint with the respondent police on 3.08.2024. He reported that he parked his vehicle at Villivakkam North Mada Street near Sivan Koil and found the battery missing. He lodged a complaint with the police, who assigned him a CSR No.466 of 2024. After conducting a preliminary enquiry, the case was taken up for further investigation on 7.08.2024. The respondent police registered a case based on the investigation. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he is doing the waste paper and plastic scrap business under the name and style of Selvam Waste Paper Mart and he unknowingly purchased a stolen battery from the accused, and on



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07.08.24, the respondent police visited his shop with the accused. The petitioner promptly handed over the stolen battery to the police and fully disclosed the circumstances of the incident. Hence, he prays to grant anticipatory bail to the petitioner.

4. The Government Advocate (criminal side) for the respondent police would submit A1 theft the vehicles battery which belongs to the defacto complainant and handed it over to A2, who is doing waste paper and plastic scrap business. The value of the battery is about Rs.2000/- and subsequently, it has been recovered. The petitioners rank is A2, having no previous case. A1 is already arrested. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. Considering the representations made by both sides' learned counsels, and considering the fact that already the property was recovered from the co-accused and no previous case as against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

<https://www.mhc.tn.gov.in/judis> 7. Accordingly, this Criminal Original Petition is **allowed** and the



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petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned XIII Metropolitan Magistrate Court at Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks, thereafter as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the respondent police is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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]**.



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[e] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 B.N.S.2023.

13.08.2024

jrs



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- 1.The XIII Metropolitan Magistrate Court at Egmore.
2. The Inspector of Police,
Kanathur Police Station,
Pallikkaranai, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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