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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31643 of 2024

Pathmanaban
S/o.Govindaraj No.6107, Ambedkar Street,
Vadamangalam, Thirupanthiyur, Natrampalli,
Kancheepuram-District.

Petitioner(s)

Vs

The State Rep by
The Inspector of Police, Sriperumbudhur Police
Station Kancheepuram - District (Crime No. 793
of 2024)

Respondent(s)

For Petitioner(s):

Muthu Kumar
P.Palaninathan
D.Pavithra
A.Saravanakumar

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side.

ORDER

Apprehending arrest in connection with Crime No.793 of 2024
registered for the offences punishable under Section 305 of BNS, the
present petition has been filed seeking anticipatory bail.



2. The case of the prosecution is that on 25.10.2024 at about 12.30 midnight, the petitioner along with others had stolen 10 litres diesel from the generator shed of R.S. Enterprise, Mampakkam. Hence, the respondent police registered a case against the petitioner and others.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the stolen property was recovered from the petitioner. He would further submit that the petitioner arrayed as an accused based on the confession statement. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner and others had stolen 10 litres diesel from M/s.R.S. Enterprise. He would further submit that the stolen property has been recovered from the petitioner. He further submits



that there is no previous case is pending against the petitioner.

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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. 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 and accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Sriperumbudhur-Kancheepuram District, 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 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m for a period of one week and thereafter 1st and 3rd Saturday at 10.30 am until further orders;

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

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

[f] 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];

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

19-12-2024

MSM



To

1. The State Rep by
The Inspector of Police,
Sriperumbudhur Police Station
Kancheepuram - District
(Crime No. 793 of 2024)

2. The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

CrI.O.P.No.31643 of 2024

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