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Crl.O.P.No.31454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**CRL OP NO. 31454 of 2024**

DEVAKUMR

S/o.David, No.1/114, Bajanai Koil Street,  
Poonimangadu Village and Post, Tiruttani Taluk,  
Thiruvallur District.

Petitioner(s)

Vs

The Stare Rep by  
The Sub-Inspector of Police,  
KANAKAMMACHATRAM POLICE STATION,  
Thiruvallur District. Crime No.655 of 2024.

Respondent(s)

**For Petitioner(s):**

M Rajinikanth  
G.Thamizhazhagan

**For Respondent(s):**

Public Prosecutor

### **ORDER**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS in Crime No.655 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that on 28.08.2024, while the respondent police were on their routine patrol duty, they found the accused person/ A1, who have committed theft of 40 meters of cable wire and escaped from the police, hence the respondent police arrested and based on his confession, the petitioner herein has been arrayed as A3. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence, as alleged by the prosecution and he has been falsely implicated in this case, based on the confession of the co-accused. He would further submit that the petitioner is working as a wireman in TNEB for the past 20 years and he is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner and co-accused persons were involved in theft of 40 meters of electric cable. He further submitted that the stolen cable were recovered and the petitioner herein has no previous case.



5. Heard the learned counsel for the petitioner and the learned

Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the petitioner has no previous 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Tiruttani** on condition that the petitioner shall execute a separate 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



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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 respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.**

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

[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 petitioners 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].

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



*Crl.O.P.No.31454 of 2024*

**20.12.2024**

To

1. The Stare Rep by  
The Sub-Inspector of Police,  
KANAKAMMACHATRAM POLICE STATION,  
Thiruvallur District.  
Crime No.655 of 2024.

**A.D. JAGADISH CHANDIRA, J.**

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