



Crl.O.P.No.32564 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL.O.P.No.32564 of 2024

Rafi @ Mohammed Rafi

... Petitioner

Versus

State represented by
The Inspector of Police,
Zam Bazaar Police Station,
Chennai.
(Crime No.350 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police pending investigation in Crime No.350 of 2024 on the file of the respondent police.

For Petitioner : Mr.E.Suresh

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.350 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.07.2021 the defacto complainant received a phone call from his friend that 5 persons have stolen the defacto complainant's cows from his house and immediately on chasing them, the public trapped 2 persons and handover them to the respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there is no previous case pending



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against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 Metropolitan Magistrate - No.II, Egmore, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 15 days and thereafter as and



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when required for interrogation.

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[c] the petitioner shall not tamper with the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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ssi/rts



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WEB COPY **To**

- 1.The Inspector of Police,
Zam Bazaar Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

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