



CRL OP(MD). No.22930 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Ganesan

... Petitioner/ Accused No.2

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
In Crime No.603/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.603/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the



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respondent for the offences punishable under section 303(2) of BNS Act, 2023 in

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Crime No.603 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as pump operator at Cheranmahadevi and when the defacto complainant removed the submersible pump, the same was stolen by some person and during the enquiry, it is revealed that the petitioner and the other accused have stolen the submersible pump. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. The allegation against the petitioner is baseless. Hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused have stolen the submersible pump and based on the confession of the first accused, the petitioner was implicated in this case and the petitioner is having no previous case and the property was recovered from the first accused. However, strongly opposed to grant anticipatory bail to the petitioner.



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

6. Considering the rival submissions on either side, considering the nature of offences charged against the petitioner, considering the fact petitioner has no previous case pending against him and the property was recovered from the first accused, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m for a period of thirty days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

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



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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 B.N.S.

sd/-
27/12/2024

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/01/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN/CM
TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22930 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023