



CRL OP(MD). No.22970 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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Elavarasan

... Petitioner/ Accused Rank not known

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Crime No. 1151/2024.

... Respondent/Complainant

For Petitioner : Mr.S. Manojkumar

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. 1151 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands



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of the respondent for the offences punishable under section 379 IPC in Crime

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No.1151 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused have stolen the defacto complainant's two wheeler namely TVS XL bearing registration No. TN-49-CB-4298, which was found missing on 04.06.2024. 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. There is no such occurrence happened.

4. The learned Government Advocate (Crl. Side) submits that totally there are 4 accused and A1 to A3 were arrested and released on bail. For the purpose of transporting sand, the vehicle was stolen by the accused and based on the confession given by the first accused, the petitioner was implicated in this case. He would further submit that the petitioner is having two previous cases out of which one case is similar in nature. He therefore strongly objected for grant of 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, the fact the petitioner's name is not mentioned in the First Information Report and though the petitioner is having two previous cases, all the cases are not similar kind of offences and in all cases, already bail was granted to him and also considering all other factors, 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, Papanasam, Thanjavur District, and on further conditions that:

[b] the petitioner shall report before the Perambalur police station daily at 10.00 a.m until further orders.

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



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

[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

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE JUDICIAL MAGISTRATE
PAPANASAM, THANJAVUR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.

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

Copy to:
THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION
PERAMBALUR

ORDER
IN
CRL OP(MD) No.22970 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/6C

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