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Crl.O.P.No.905 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.905 of 2025

Nigesh Kumar

.... Petitioner

Vs

State rep. by
The Inspector of Police,
Kattur Police Station,
Thiruvallur District.
Cr.No.548 of 2024

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 548 of 2024 pending on the file of the Inspector of Police, Kattur Police Station, Thiruvallur District.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.548 of 2024 registered for the offences punishable under Section 303(2) of BNS,



2023, the present petition has been filed seeking anticipatory bail.

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2. 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 petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner, along with other accused persons committed theft of iron piping and manhole material worth about Rs.1,20,000/- from the defacto complainant's company on the instruction of A6. He further submitted that no material has been recovered from the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitioner may be granted bail. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate II, Ponneri**, 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 shall report before the respondent Police daily at 06.30 p.m for a period of two weeks, 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;



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[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 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 BNS.

20.01.2025

Index : Yes/No
Internet : Yes/No
rpl

To

1.The Inspector of Police,
Kattur Police Station,
Thiruvallur District

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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