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CRL O.P. No.1259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1259 of 2024

Vijaya Kumar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
B-2, Esplanade Police Station
Chennai.
[Cr. No.309 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner in Crime No.309 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Vasanth

For Respondent : Mr.S.Santosh
Government Advocate (Criminal side).

ORDER

The petitioner, who apprehends arrest in the hands of the respondent police for the offences punishable under Section 305 of BNS in connection with the Cr.No.309 of 2024, seeks anticipatory bail.



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2. It is the case of the prosecution that the petitioner is alleged to have stolen iron pipes from the defacto complainant's office. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is neither committed the offence nor having connection with the accused. He would further submit that based on the confession of the co-accused, he has been arrayed as the accused. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has stolen iron tubes and there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials placed on record. Considering the nature of offences and quantity of material involved in this case is recovered from the co-accused and there has been recovery from the petitioner, I am of the view that custodial interrogation of the petitioner is not warranted, thus, this Court is inclined to grant



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anticipatory bail to the petitioner subject to the following conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned VII Metropolitan Magistrate Court, George Town at Chennai 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 condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not leave India without the previous permission of the Court;



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[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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.01.2025

dhk

To

- 1.The VII Metropolitan Magistrate Court, George Town at Chennai
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, B-2, Esplanade Police Station Chennai.

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