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Crl.OP.No.1943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.1943 of 2025

S.Ganesan

... Petitioner

Vs.

State rep by
Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallur District.
Crime No.512 of 2024

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in the above crime no. 512 of 2024 on the file of respondent Police.

For petitioner : M/s.S.V.Kaviyarasu

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 305(a) of BNS, 2023, in Crime No.512 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that, on 22.08.2024, at around 05.00 a.m, a theft of cash of Rs.1,80,000/- occurred in the house of the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that only on confession of co-accused, the petitioner has been arrayed as an accused; and that the petitioner is ready to abide by any condition, that may be imposed by this Court. Therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted that there is delay in lodging a complaint and only based on the confession, the petitioner was arrayed as an accused; and that there is no previous case against the petitioner. However, he opposed for granting bail to the petitioner.



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

6. Considering the nature of allegations; there is no previous case pending against the petitioner; and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 is made ready, before the learned **District Munsif Cum Judicial Magistrate, Uthukottai, Thiruvallur District.** 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:



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- [a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- [b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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*** reported in [(2005)AIR SCW 5560];



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[f] If the accused thereafter absconds, a fresh FIR can be
registered under Section 269 of B.N.S

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
dpa

To

- 1.The District Munsif Cum Judicial Magistrate,
Uthukottai , Thiruvallur District
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. The Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallur District.



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SUNDER MOHAN, J.

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