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Crl OP No.2223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2223 of 2025

Mathana, aged 34 years
W/o. Vasudevan
No.270, GRP Street,
Villupuram.

Petitioner(s)

Vs

State Rep By
The Inspector of Police, Thirunavalur Police
station, Kallakurichi District. (Cr.No.674 of
2024)

Respondent(s)

For Petitioner(s):

Munusamy Chokkalingam

For Respondent(s):

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(e) of BNS 2023, in Crime No.674 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that



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the petitioner, who is working as the Executive officer at Arulmigu Pakthajeneswarar, Thirunavalur on 16.12.2024, had complained that the accused persons, who are working as a watchman, night watchman and salesman, took the iron waste/scrap material from the temple premises through tractor without informing the higher authorities. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner, aged about 34 years, is an innocent person and he has been falsely implicated in this case. He further submits that based on the confession of the arrested accused, this petitioner was arrayed as an accused, and the custodial interrogation is not required in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused persons had taken the iron waste /scrap materials from the temple premises through tractor without informing higher authorities and the material was seized from the accused persons; and against the petitioner, there is no previous case. Hence, he opposed for the grant of anticipatory bail to the petitioner.



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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; that the petitioner has no previous cases; that the petitioner is sought to be implicated on the confession of the co-accused, co-accused was already released on bail and that custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 **Judicial Magistrate No.II, Ulundurpet**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m 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.

[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.

04-02-2025

To
1. State Rep By
The Inspector of Police,
All Women Police station,
Neyveli, Cuddalore.
(Cr.No.04 of 2025)

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