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Crl.O.P.No.2355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.02.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 2355 of 2025

Mahenthiran

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.

Chennai. (Crime No. 337 of 2024)

...Respondent

For Petitioner : Mr.Venkatesh

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal Side)

ORDER

Apprehending arrest in connection with Crime No.337 of 2024 registered for the offences punishable under Section 309(4) and subsequently altered to one under Section 310(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 submits that the petitioner is arrayed as A7 and he is said to have published the advertisement in the Face Book and sold the Yamaha bike to the defacto complainant and had received a sum of Rs.40,000/-. He also submits that based on the confession statement given by A1, he has been implicated in this case and he is no way connected with the alleged offence of robbery and he 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 (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that A1 colluding with other accused and the petitioner herein/A7 had sold the bike to the defacto complainant for a sum of Rs.40,000/- without number plate and RC Book and when the defacto complainant questioned about the RC book, the accused threatened him and had stolen Rs.19,000/- and the bike, which was sold to him. He further submits that there is no previous case against the petitioner.



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4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also the nature of offences involved and A6 has been granted anticipatory bail in Crl.O.P.No.169 of 2025 on 21.01.2025 and A5 has also been granted bail in Crl.O.P.No.2126 of 2025, this Court is inclined to grant anticipatory bail to the petitioner/A7 with certain conditions and accordingly, he 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, Thirukoilur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees ten thousand on ly)**, 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] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 06.30p.m., until further orders;



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[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.

05.02.2025

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To

- 1.The Judicial Magistrate, Thirukoilur.
- 2.The Inspector of Police, Rishivandiyam Police Station, Kallakurichi District.
- 3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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