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Crl.O.P.No. 3031 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.3031 of 2025

M.Akash

... Petitioner/Accused A2

Vs.

State rep. by
The Inspector of Police,
Chennimalai Police Station,
Erode District.
(Crime No.391 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS Act
pleaded to enlarge the petitioner on bail in the event of his arrest in Crime
No. 391 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr. C.S.Saravanan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.391 of 2023, seeks anticipatory bail.

2. It is stated that the petitioner had signed as witness in the agreement entered into between A1 and the defacto complainant with respect to a Mahendra Bolero Pick Up Max Load Van bearing Registration No. TN 34 MA 6814. It is stated that the first accused had been arrested and granted bail.

3. The earlier application seeking anticipatory bail was granted in CrI.O.P.No. 4213 of 2024 by an order dated 11.03.2024. However, the petitioner stated that the petitioner was not able to provide sureties within the time period, the earlier order therefore stood cancelled.

4. In view of the aforementioned facts, since the Court had granted anticipatory bail earlier and owing only to the inability to the petitioner to provide sureties, the earlier order stood cancelled, it would only be appropriate for this Court to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial



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Magistrate, Perundurai, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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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C.V.KARTHIKEYAN, J.

vsg

[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 229A IPC.

14.02.2025

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To

1. The Judicial Magistrate, Perundurai.
- 2.The Inspector of Police,
Chennimalai Police Station,
Erode District.
3. The Public Prosecutor,
High Court of Madras.

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