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CRL OP NO.6128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.6128 of 2025

Murali @ Muralidharan

petitioner/A1

Vs

State Rep By,
The Inspector Of Police
R-8, Vadapalani Police Station,
Chennai.(Cr.No.303 of 2023)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No.303 of 2023 pending
on the file of the respondent police.

For petitioner : Mr.Silambarasan S
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 381 of the
IPC, in Crime No.303 of 2023, on the file of the respondent police, seeks
anticipatory bail.



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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner had committed theft of mobile tower parts installed in the premises of the de facto complainant worth Rs.22,54,642/-.

4. The learned counsel appearing for the petitioner would submit that the de facto complainant had registered a complaint against the petitioner with the same allegations at different police stations; that he was arrested and released on bail in two cases and was granted anticipatory bail in one of the case and in any case, custodial interrogation is not required and sought anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the



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petitioner, submitted that the earlier anticipatory bail application was dismissed by this Court *vide* order dated 29.01.2025 and that the petitioner has four previous cases.

6. Though the earlier anticipatory bail application was dismissed by this Court, the petitioner was not been arrested sofar. It is seen that in two previous cases registered by the same de facto complainant, in respect of the these allegations, the petitioner was arrested and released on bail and in one case, he was granted anticipatory bail.

7. Considering the aforesaid facts, the nature of allegations, the fact that the petitioner is aged about 60 years, this Court is of the view that custodial interrogation is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 on which the order copy made ready, before **the learned XVII Metropolitan Magistrate, Saidapet, Chennai** on condition that



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the petitioner shall execute a separate 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 every day 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



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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 B.N.S.

20.03.2025

vca

To:

1. The Inspector Of Police
R-8, Vadapalani Police Station,
Chennai..
2. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

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