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CRL OP NO. 4273 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4273 of 2025

1.Selvam
2.R.Muthurasu

petitioners/A2 & A3

Vs

State Rep By. The Inspector of Police,
Sriperumbudur Police Station, Kancheepuram
District Cr.No.42/2025

Respondent(s)

For petitioners(s): Mr.Mubeen M

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS in Crime No. 42 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused committed the theft of S.1 luminous batteries. Hence, the complaint.



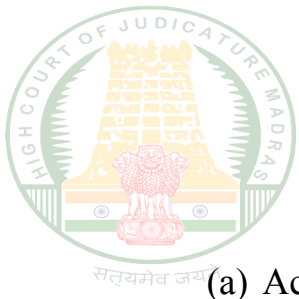
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3. The learned counsel for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; that the first accused was arrested and released on bail; and that in any case custodial interrogation of the petitioners is not required for the purpose of investigation and hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there are two previous cases as against the second petitioner.

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

6. Considering the submissions made on either side; nature of allegation; that the property was recovered; that the first accused was released on bail in two other previous cases and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate, Sriperumbudur** on condition that the petitioners 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:

[b] the petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

19.02.2025

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SUNDER MOHAN, J.

vca

To
1. State Rep By. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District
Cr.No.42/2025

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