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CRL OP NO.5113 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5113 of 2025

Jenith

petitioner/A2

Vs

The State Rep By
The Inspector of Police
Nagoor Police Station,
Nagapattinam District.
(Crime No.28 of 2025)

Respondent

Prayer:

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. 28 of 2025 pending on
the file of the respondent police.

For petitioner	:	Mr.C R Gokulvisvas
For Respondent	:	Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner , who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 303(2) of the BNS in
Crime No.28 of 2025, on the file of the respondent police, seek



anticipatory bail.

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2. The case of the prosecution is that the petitioner along with the other accused had stolen aluminium wire worth Rs.50,000/- from the de facto complainant's work place.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that he has been falsely implicated in this case; that the property was seized from the first accused; and that the petitioner has no bad antecedents and prayed for anticipatory bail to the petitioner .

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.



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6. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the property was seized from the first accused, the fact that the petitioner has no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate II, Nagapattinam** on condition that 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



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

SUNDER MOHAN, J.

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[b] the petitioner shall report before the respondent police everyday 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 B.N.S.

06.03.2025

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To

1.The Inspector of Police
Nagoor Police Station,
Nagapattinam District.(Crime No.28 of 2025)



2.The Judicial Magistrate II,Nagapattinam
3.The Public Prosecutor,
High Court Madras.

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