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CRL O.P. No.5016 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5016 of 2025

S. Jayasurya S/o. Sakthivel

... Petitioner / A2

Vs

State rep. by:-

The Inspector of Police,
Panjapalli Police Station,
Dharmapuri District.
[Cr. No.66 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.66 of 2024 on the file of the respondent police.

For Petitioner : Mr.Devaraj

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 305 of B.N.S.

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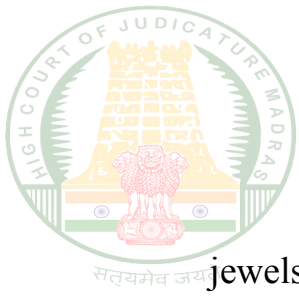
in connection with the case in Crime No.66 of 2024, seeks anticipatory

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bail.

2. The case of the prosecution is that the accused had committed theft of 3 sovereigns of gold thali chain, 2 sovereigns of gold chain and cash of Rs.70,000/-

3. Learned counsel for the petitioner would contend that the petitioner is innocent; that the allegations against the petitioner are false; that co-accused was arrested and released on bail; that based on the confession of the co-accused, this petitioner is sought to be implicated in this case; that the stolen properties were recovered from A1 and no recovery was made from this petitioner; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that the stolen gold



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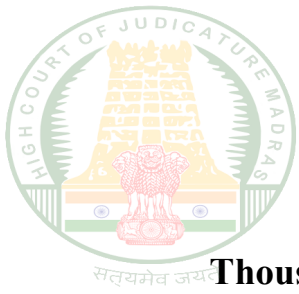
jewels were recovered and that the petitioner has no bad antecedents.

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

6. Considering the nature of allegations, the fact that the co-accused was arrested and released on bail, the fact that the petitioner is sought to be implicated in this case, based on the confession of the co-accused, the stolen gold articles were recovered and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Palacode** on condition that the petitioners shall each execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten**



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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 conditions 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 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

25.02.2025

mjs

To

- 1.The Judicial Magistrate, Palacode
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Panjapalli Police Station, Dharmapuri District.

SUNDER MOHAN. J.,

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