



WEB COPY



Crl OP No.5362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5362 of 2025

Kathiravan

... Petitioner

Versus

State by

Inspector of Police,

Vada Vanakkampadi Police Station,

Thiruvannamalai District.

(Cr.No.15 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Cr.No.15 of 2025 on the file of the respondent police.

For petitioner : Mr.G.P.Siva Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) and 329(3) of BNS Act in Crime No.15 of 2025, seeks anticipatory bail.



WEB COPY

2. The case of the prosecution is that the petitioner had committed a theft of 45 boundary stones belonging to the defacto complainant's company.

3. Learned counsel appearing for the petitioner would submit that the allegations are false; that there is no bad antecedents against the petitioner and in any case, the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that stolen property had not been recovered and the petitioner has no bad antecedents.

5. Considering the nature of allegations and the fact that the petitioner has no bad antecedents and since this court is of the view that the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 is made ready, before the learned **Judicial Magistrate, Arni** on condition that the petitioner shall execute a



WEB COPY

bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 daily 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 is 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]**;



Crl OP No.5362 of 2025

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

27.02.2025

Vv

To

1. The Judicial Magistrate,
Arni.
2. The Inspector of Police,
Vada Vanakkampadi Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl OP No.5362 of 2025

SUNDER MOHAN, J.

Vv

Crl.O.P.No.5362 of 2025

27.02.2025