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Crl.OP.No.5564 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5564 of 2025

Prakash

...Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai District.
(Crime No.38 of 2025)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest or surrender in Crime No.38 of 2025 on the file of the
respondent Police.

For Petitioner : M/s.Gopalakrishnan E

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



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ORDER

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 331 (3) and 305 of the BNS in Crime No.38 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused had committed a theft of *de-facto* complainant's five Sovereigns of gold chain.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the occurrence took place in the year 2023 and the FIR was registered recently; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The 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 submitted that the stolen article was recovered; and that there is one previous case against the petitioner and he is on bail in that case.



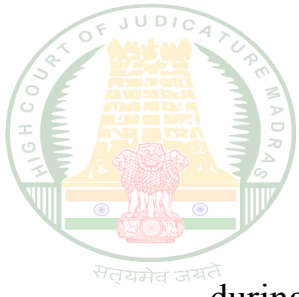
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5. Considering the nature of the allegations, the occurrence took place in the year 2023, the FIR was registered recently, the stolen article was recovered and since the custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Alandur**, on condition that the petitioner shall execute a 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 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 appear before the respondent police daily at 10.30 a.m., until further orders.



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[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 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 BNS.

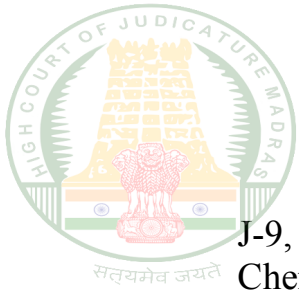
28.02.2025

Index : Yes / No
Internet : Yes / No

dk

To

1.The Inspector of Police,



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J-9, Thuraipakkam Police Station,
Chennai District.

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2. The Judicial Magistrate No.II,
Alandur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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