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Crl.O.P.No.5525 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.5525 of 2025

Thavamani

...Petitioner /Accused No.2

Vs.

The State by
The Sub Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.
(Crime No.37 of 2025)

...Respondent/Complainant

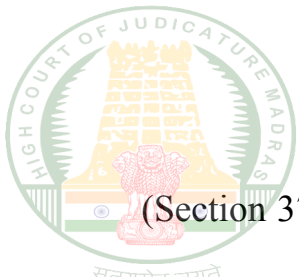
PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
his arrest in Crime No.37 of 2025 on the file of the respondent police.

For Petitioner : Mr.Tamilselvan A

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

ORDER

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 303(2) of BNS



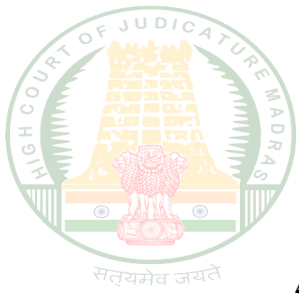
(Section 379 of IPC) in Crime No.37 of 2025 on the file of the respondent police,
seeks anticipatory bail.

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2. The case of the prosecution is that on 19.02.2025, the petitioner, along with other accused, had attempted to steal the cows of the *de-facto* complainant by using a TATA Ace vehicle bearing Reg. No. TN 19Z 1640. Hence, the case.

3. Learned counsel for the petitioner/A2 would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution; that he has been falsely implicated in this case; that the co-accused in this case were arrested and released on bail vide its orders dated 26.02.2025 in C.M.P.Nos.165 and 170 of 2025 on the file of the learned Judicial Magistrate No.II, Madurantakam (FAC) and sought anticipatory bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the co-accused were arrested and released on bail.



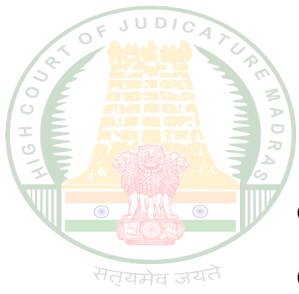
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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of the allegation, the fact that the co-accused have already been released on bail 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 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 (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate No.II, Maduranthakam**, on condition that the petitioner 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, on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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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 abscond either during investigation or trial;

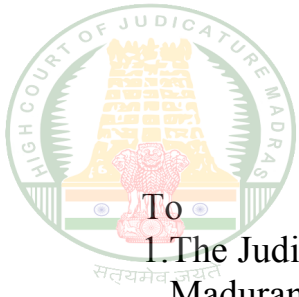
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

28.02.2025

dk



Crl.O.P.No.5525 of 2018

To

1.The Judicial Magistrate No.II,
Maduranthakam.

2.The Sub Inspector of Police,
Achirapakkam Police Station,
Chengalpattu District.

3.The Public Prosecutor,
High Court of Madras.

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SUNDER MOHAN,J.

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