



Crl.OP.No.6851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6851 of 2025

Mohamed Nashik

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kootha Nallur Police Station,
Tiruvarur District.

(Crime No.40 of 2025)

.. Respondent

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 in Crime No.40 of 2025 on the file of the respondent Police.

For Petitioner : M/s.Santhaseelan P

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 305(a) of BNS, 2023 in
Crime No.40 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant

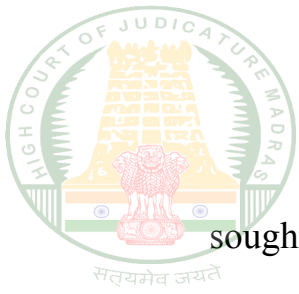


parked his two Eicher vehicles near the petrol bunk; that on 05.01.2025, when he checked the vehicles, he found that the fuel tank was broken and 150 litres of diesel had been stolen; that since his wife was hospitalised, he was unable to file a compliant till 12.02.2025 and lodged the complaint on 12.02.2025.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is sought to be implicated on the basis of confession and there is no material to connect the petitioner with the alleged offence, 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 on instructions submitted that the petitioner is sought to be implicated only on the confession and that the complaint was lodged only on 12.02.2025.

5. Considering the aforesaid facts, the fact that the petitioner is



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sought to be implicated only on the confession made in another case 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.

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 Court-I, Mannargudi, Tiruvarur District**, 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.

[c] the petitioner shall not tamper with evidence or witness either



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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.

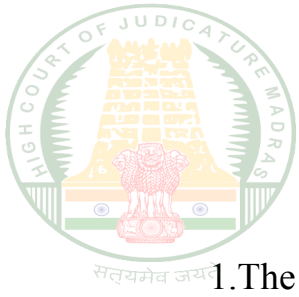
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Index : Yes / No

Internet : Yes / No

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To



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- 1.The Inspector of Police,
Kootha Nallur Police Station,
Tiruvarur District.
2. The learned Judicial Magistrate Court-I,
Mannargudi, Tiruvarur District
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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