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Crl.OP.No.6997 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6997 of 2025

Manikandan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

(Crime No.110 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.110 of 2025 on the file of the respondent Police.

For Petitioner : M/s.W.Camyles Gandhi

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 331(3), 305(a) of BNS in
Crime No.110 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that A1 and A2 are friends of the defacto complainant and that they used to visit the defacto complainant's room; that when the defacto complainant locked the room and went out, A1 and A2, along with the petitioner, entered the room and committed theft of a Home Theatre and cash of Rs.6,000/-.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is sought to be implicated only on the confession of co-accused, and the petitioner has nothing to do with the defacto complainant and he is not a friend of defacto complainant 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 Home Theater was recovered from A1 and that the petitioner is implicated on the confession of co-accused; that there are previous cases against the petitioner and he is on bail in all those cases.



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5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.6,000/- to the credit of crime number and the petitioner has also filed an undertaking to that effect. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.6,000/- (Rupees Six Thousand only) to the credit of Crime No.110 of 2025** before the **Judicial Magistrate, Kangeyam**, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Considering the aforesaid facts, the fact that the petitioner is sought to be implicated on the confession of co-accused, the stolen Home Theater was recovered from the co-accused and the petitioner is on bail in all other cases, 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.

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8. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.6,000/- (Rupees Six Thousand only)** to the credit of **Crime No.110 of 2025** before the **Judicial Magistrate, Kangeyam**, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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, Kangeyam***, 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 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 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.

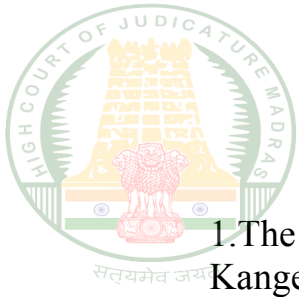
12.03.2025

Index : Yes / No
Internet : Yes / No
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SUNDER MOHAN , J.

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To



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1.The Inspector of Police,
Kangeyam Police Station,
Tiruppur District.

2.The Judicial Magistrate, Kangeyam.

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

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