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Crl O.P.No.8134 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8134 of 2025

Mohamed Riswan Ali @ Riswan

Petitioner

Vs

The State Rep by,
The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.
(Crime No.28 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 28 of 2025 pending
on the file of the respondent police.

For petitioner : Mr.K Sarath Kumar

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 Sections 296(b), 132
and 351(3) of the BNS, 2023 r/w Sections 35 and 106 of the BNSS in
Crime No.28 of 2025, on the file of the respondent police, seeks
anticipatory bail.



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2. The case of the prosecution is that the two accused, viz., Abu Faizal and Mohammed Azaruddin, were found in possession of Rs.6,00,000/- and Rs.4,57,900/- respectively; that they were unable to account for the cash in their possession and confessed that they carried the above said cash on the instruction of the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the alleged occurrence; that he has proper accounts to justify the possession of the cash and in any case, since the allegations are borne out by records, custodial interrogation is not required and sought anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the second and the third accused were arrested and released on bail and the cash was also seized.

5. Considering the aforesaid facts, the nature of allegations, that the allegations are borne out by records, that the co-accused were arrested and released on bail and since custodial interrogation is not



required, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the **learned XVII Metropolitan Magistrate, Saidapet, Chennai**, 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, 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.



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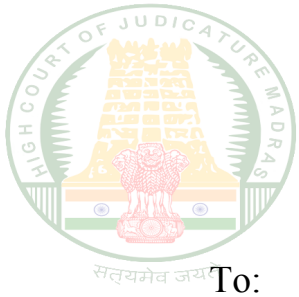
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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by 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.

20.03.2025

vca



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To:

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1. The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.
2. The XVII Metropolitan Magistrate, Saidapet, Chennai
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

vca

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