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Crl.O.P.No.8757 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8757 of 2025

Santhosh Kumar
S/o. Shankar

....Petitioner/Accused-6

Vs

The State Rep. by
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
Crime No.600 of 2024

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest by the respondent police in Crime No.600 of
2024 on the file of the respondent police.

For Petitioner : Mr. D. Lakshmipathy

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



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 310(4) of BNS,2023 in Crime No.600 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner along with the other accused was found preparing to commit decoity near Upperkuttai at Palaiyavandipalayam. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that the petitioner has been falsely implicated in this case and that a co-accused has been granted bail and since custodial interrogation of the petitioner is not required for the purpose of investigation, he sought for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that there are previous cases against the petitioner.



WEB COPY

Crl.O.P.No.8757 of 2023



5. Considering the aforesaid facts and the fact that a co-accused has been granted bail and yet another co-accused has been granted anticipatory bail, and since 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 made ready, before **the learned Judicial Magistrate II, Cuddalore**, 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 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.



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CrI.O.P.No.8757 of 2025



[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.

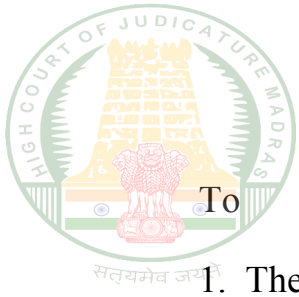
[d] the petitioner shall not abscond either during investigation or trial.

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

26.03.2025

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Crl.O.P.No.8757 of 202॥

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1. The Judicial Magistrate II, Cuddalore
2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.8757 of 2025

SUNDER MOHAN, J.

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Crl.O.P. No.8757 of 2025

26.03.2025