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CRL OP NO.9707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.04.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9707 of 2025

Sathish

petitioner /A1

Vs

State Rep By,
The Sub-Inspector Of Police
Oomerabad Police Station.
(Cr.No 420 of 2023)

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. 420 of 2023 pending
on the file of the respondent police.

For Petitioner : Mr.Mohan Raj S
For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 380 of the
IPC Crime No. 420 of 2023, on the file of the respondent police, seeks
anticipatory bail.



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2. The case of the prosecution is that the petitioner along with the other accused had committed theft of some properties from Government Middle School, Kailasagiri.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is innocent; that the petitioner has no bad antecedents; that the co-accused/A2 was arrested and released on bail and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.

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 has no bad antecedents and the properties were recovered.

5. Taking note of the facts and circumstances of the case, the nature of the allegations, submissions made by the learned counsels on



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either side, the petitioner has no bad antecedents, the properties were recovered, the co-accused was arrested and released on bail and since, custodial interrogation 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 Judicial Magistrate I, Ambur** on condition that the petitioner shall execute a separate 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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[b] the petitioner shall report before the respondent police every day 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To:

1. The Sub-Inspector Of Police
Oomerabad Police Station.
2. The Judicial Magistrate I, Ambur
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.
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