



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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CORAM
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.9341 of 2025

Kirthik Roshon

...Petitioner

Vs.

State Rep.by
The Inspector of Police,
Sathangadu Police Station,
Thiruvallur District.
(Crime No.57 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.57 of 2025 pending on
the file of the respondent police.

For petitioner	:	M/s.Silambu Selvan 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 305 of the BNS Act Crime
No.57 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 co-accused committed theft of aluminium and copper materials from the de facto complainant's backyard and the petitioner was implicated on the confession of the co-accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent, he has been falsely implicated in this case; the co-accused were arrested and released on bail; that the petitioner was sought to be implicated on the confession of the co-accused/A1 and that 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 stolen materials were recovered and that the petitioner has no bad antecedents.



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5. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the stolen materials were recovered, the petitioner has no bad antecedents, the co-accused were arrested and released on bail; that the petitioner was sought to be implicated on the confession of the co-accused/A1 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.

7. 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, Thiruvattiyor** 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:



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[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 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].



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Crl.O.P.No.9341 of 2



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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28.03.2025



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Crl.O.P.No.9341 of 2



SUNDER MOHAN, J.

vca

To:

1. The Inspector of Police,
Sathangadu Police Station,
Thiruvallur District..
2. The Judicial Magistrate, Thiruvattiyor.
3. The Public Prosecutor,
High Court, Madras.

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