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Crl.O.P.No.10981 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10981 of 2025

M. Viswanathan
S/o. Magenthiran

....Petitioner/Accused 2

Vs

The State represented by
The Inspector of Police,
Manavala Nagar Police Station,
Tiruvallur District.
Crime No. 10/2025

....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 **in Crime No.10 of 2025**, on the file of the
respondent police.

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 305 of BNS Act (380 IPC), thereafter altered as Section 306 of BNS (381 of IPC), in Crime No.10 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the complaint received from the *de facto* complainant that raw materials worth about Rs.48,000/-, were missing from their company, the present case has been registered against the petitioner and the other accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner was not involved in the offence; that he has been falsely implicated in the case; that the first accused was arrested and released on bail by the trial Court; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the first accused was arrested and released on bail; that the stolen articles were recovered and that there is no previous case against petitioner.

5. Considering, the nature of allegation against the petitioner, that the petitioner has no previous case; that the co-accused was arrested and released on bail and that the stolen articles have been recovered, 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 No.II, Tiruvallur**, 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.

[b] the petitioner shall report before the respondent police everyday 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



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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.

15.04.2025

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To

1. The Judicial Magistrate No.II, Tiruvallur
2. The Inspector of Police,
Manavala Nagar Police Station,
Tiruvallur District,
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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