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CRL OP No. 12938 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12938 of 2025

1. Ranjith

S/o.Raja, Arasampattu Village,
Sankarapuram Taluk, Kallakurichi Dt,

2. Raja

S/o. Sadaiyan, Arasampattu Village,
Sankarapuram Taluk, Kallakurichi Dt,

Petitioner(s)

Vs

1. The State Rep.by, The Sub Inspector
of Police,
Vadaponparappi Police Station,
Kallakurichi Dt. (CrimeNo. 322 Of
2024)

Respondent(s)

PRAYER

To enlarge the Petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No. 322 of 2024, on the file of Respondent Police



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For Petitioner(s): Mr.T.Maha Vishnu

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 381 and 506(2) of IPC in Crime No.322 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner, an employee at the SSK Agency Petrol Pump, committed theft of cash from the locker and later the first petitioner and his father/the second petitioner, threatened the defacto complainant, when he confronted them about the theft. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; that since the first petitioner left the job, a false complaint has been lodged; that there is no allegation levelled against the second petitioner; and that in any case, the custodial interrogation of the petitioners is not required and sought anticipatory bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. The reading of the FIR suggests that there is no allegation against the second petitioner. The allegation against the first petitioner is that he could have committed theft of the cash. The exact amount of cash stolen is also not mentioned. The alleged occurrence is said to have been taken place in June 2024. The FIR was registered in October 2024. The petitioners have not been arrested so far. Considering the nature of allegations, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Sankarapuram, 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 petitioners 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 first petitioner shall appear before the respondent police on every Monday and Saturday at 10.30 a.m., until further others.

[c] the second petitioner shall appear before the respondent police as and when required for interrogation.



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[d]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]*;

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1. The State Rep.by, The Sub Inspector
of Police,
Vadaponparappi Police Station,
Kallakurichi Dt. (CrimeNo. 322 Of
2024).

2. The Judicial Magistrate Court,
Sankarapuram.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.

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