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Crl.O.P.No.12953 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12953 of 2025

1.R.Athish
2.P.Raman
3.K.Magesh

...Petitioners/Accused 2 - 4

Vs.

State rep by
The Inspector of Police,
T-11, Somangalam Police Station,
Tambaram City Police.

(Crime No.82 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.82 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.D.Ilayaraja

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



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ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent police, seeking anticipatory bail in Crime No.82 of 2025 registered for the offence under Sections 326 and 303(1) of BNS, 2023 r/w 21(1) of MMDR Act, 1957.

2.It is the case of the prosecution that on 17.04.2025 at about 2.15 pm, near Malipattu Agraharam, the petitioners along with A1 who is the driver of the Lorry attempted to commit theft of lake sand; that they fled from the scene of occurrence on seeing the defacto complainant and thus committed the aforesaid offences.

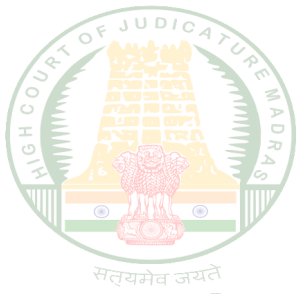
3.The learned counsel for the petitioners would submit that the allegations are false; that the petitioners have not committed any offences as alleged by the prosecution; that the petitioners are innocent; that they have been falsely implicated in this case; and that in any case, custodial interrogation of the petitioners is not required and prayed for anticipatory bail.



4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioners have attempted to commit theft of lake sand and the petitioners have no bad antecedents.

5. Considering the nature of allegations, the fact that the petitioners have no bad antecedents and since, custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 of receipt of copy of this order, before the **Judicial Magistrate, Sriperumbudur**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 said Magistrate, on further condition that:



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[a] 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

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Copy to:

- 1.The Inspector of Police,
T-11, Somangalam Police Station,
Tambaram City Police.
- 2.The Judicial Magistrate, Sriperumbudur.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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