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Crl.O.P.No.13345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 13345 of 2025

Moideen @ Mohammad Mohideen

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai – 600 040.
(Crime No.393 of 2025)

Respondent(s)

For Petitioner(s) : Mr.C.Mohanraj

For Respondent(s) : Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.393 of 2025 on the file of the Respondent.

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 296(b), 127(2), 115(2), 140(2), 351(2) and 309(4) of BNS, in Crime No.393 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 petitioner along with other accused abducted the defacto complainant and robbed as sum of Rs.25,000/- and that, they took 5 sovereigns of gold jewels, property document and cheque leaves from him. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, and he has been implicated in this case; that the co-accused was arrested and released on bail by the Lower Court; that in the said bail order the defacto complainant had filed an affidavit expressing his no objection to grant bail, since the money due to him was already settled and in any case, the custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirms the fact that the defacto complainant had filed an affidavit before the Principal Sessions Judge, Chennai stating that the money due to the defacto complainant was already settled.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the



Crl.O.P.No.13345 of 2025

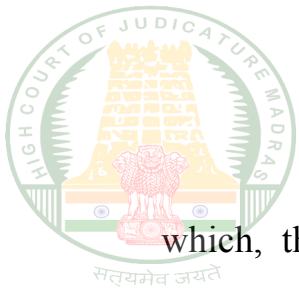
materials available on record.

WEB COPY 6. In the order granting bail to the first petitioner, the Principal Sessions Judge, Chennai, had observed as follows:

“The defacto complainant has also filed an affidavit expressing his no objection to grant bail. The learned CPP has verified and informed this Court that the financial transaction are reported and based on which the present crime is registered. Hence, the money due was already settled, he has no serious objection to grant bail.”

7. Considering the nature of allegations and the affidavit filed by the defacto complainant before the Lower Court and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 **V Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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



Crl.O.P.No.13345 of 2025

which, the petition for anticipatory bail shall stand dismissed and on further

WEB 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 daily 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.

drl

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CrI.O.P.No.13345 of 2025

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To

1. The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai – 600 040.

2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.13345 of 2025

SUNDER MOHAN J.

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CRL OP No. 13345 of 2025

29.04.2025