



WEB COPY

CRL OP No. 13862 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 13862 of 2025

Shamshad

Petitioner

Vs

The State of Tamil Nadu,
Rep by Inspector of Police
Ulundrupet Police Station,
Kallakurichi District.
(Crime.no. 659/2024)

Respondent

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner accused on
bail in the event of arrest by the respondent in Crime no 659 of 2024

For Petitioner(s): Mr.S Sathish Kumar

For Respondent(s): Mr.R.Vinotharaj Govt Advocate
(crl Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 303(2) of BNS, 2023, in



Crime No.659 of 2024, on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that the petitioner along with other accused persons have stolen the BBU (Base Band Unit) in Thenkunam Airtel Tower-Site ID 3204008. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused persons have stolen the BBU (Base Band Unit) in Thenkunam Airtel Tower-Site ID 3204008. He would submit that there are twenty two previous cases against the petitioner and in those cases, he is on bail and the petitioner hails from Utter



Pradesh, if he is released on bail, there is a possibility of him absconding and not available for further investigation. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel appearing on either sides, nature of the allegations and since, custodial interrogation of the petitioner is not required, 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-I, Ulundurpet** on condition that the petitioner shall execute a bond



WEB COPY

for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, of

whom, one surety should be a local surety, 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;



WEB COPY

[f]the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

10-06-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

CRL OP No. 13862 of 2025





To
WEB COPY

- 1.The State of Tamil Nadu, Rep by
Inspector of Police
Ulundrupet Police Station, Kallakurichi
District. (Crime.no. 659/2024)
- 2.The Judicial Magistrate-I,
Ulundurpet.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY

CRL OP No. 13862 of 2025



M.NIRMAL KUMAR J.

gbi

**CRL OP No. 13862 of
2025**

10-06-2025