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CrI.O.P.No.17349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17349 of 2025

Shamshad

... Petitioner

Vs

The State of Tamil Nadu,
Rep. by Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.658/2024).

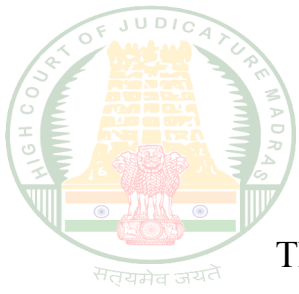
... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner/Accused on
bail in the event of arrest by the respondent in Crime No.658/2024.

For Petitioner : Mr.S.Sathish Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side)

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 379 of IPC in Crime No.658 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has stolen RRU 2 Nos. in Pandur Airtel Tower-Site ID 1106967. 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 has stolen the RRU 2 Nos. in Pandur Airtel Tower-Site ID 1106967. He would submit that there are twenty two previous cases against the petitioner in six districts, hence strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. In view of the above, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ulundurpet 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 said Magistrate, on further condition that:

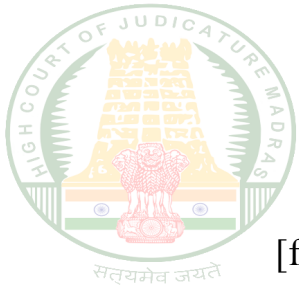
[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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 the identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 officer as and when required;



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[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;

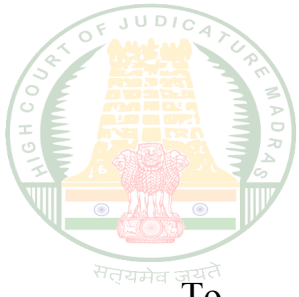
[g] the petitioner shall not abscond either during investigation or trial;

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

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

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To
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- 1.The Judicial Magistrate No.I,
Ulundurpet.
- 2.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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