



Crl.O.P.No.14313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14313 of 2025

N.Sain Basha

... Petitioner/Accused
(Rank not known)

Vs

State of Puducherry,
Rep. by the Inspector of Police,
Orleanpet,
Puducherry.
(Crime No.88 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on Anticipatory Bail in connection with the Crime No.88 of 2025 in the event of arrest pending investigation on the file of the respondent police.

For petitioner : Mr.S.Lakshmikanth

For Respondent : Mr.M.V.Ramachandra Murthy

Additional Public Prosecutor (Puducherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 in Crime No.88 of 2025, on the file of the respondent police, seeks anticipatory



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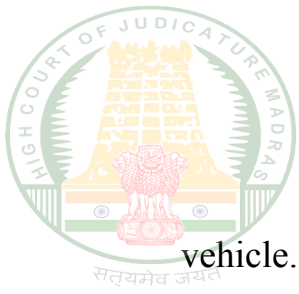
bail.

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2.The case of the prosecution is that the two wheeler bearing No.TN-31-CV-0282 parked by the de-facto complainant was missing on 06.03.2025. Hence, the case.

3.The contention of the learned counsel for petitioner is that the petitioner is dealing in scrap business in Puducherry. The petitioner had no knowledge about A1, namely, Aravindraaj that he involved in theft cases. He further submitted that old scrap materials are brought to him, which was sold as scrap. The petitioner has been in the business for quite some time and he has been falsely implicated in this case. Further in this case missing of the vehicle and the registration of the case is with considerable delay. The petitioner appeared before the respondent police, gave his explanation but the police failed to accept the same and now threatening the petitioner that he would be arrested soon. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police filed his counter and submitted that the A1 is a regular offender, from whom the petitioner has been regularly purchasing the

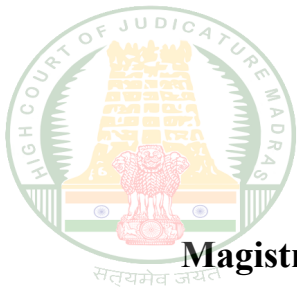


vehicle. In fact, in one case, a new vehicle was purchased by the petitioner as scrap, which would clearly expose that petitioner purchasing the theft vehicle. Hence, strongly opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.10,000/- to the credit of the Crime No.88 of 2025 without prejudice to his right in the above case.

6. Considering the nature of allegations and the submission that the petitioner is willing to deposit an amount of Rs.10,000/- to the credit of Crime No.88 of 2025, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- [Rupees Ten thousand only]** to the credit of Crime No.88 of 2025 before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on anticipatory bail on his executing 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 learned **Judicial**



Magistrate No.II, Puducherry, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] 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;

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

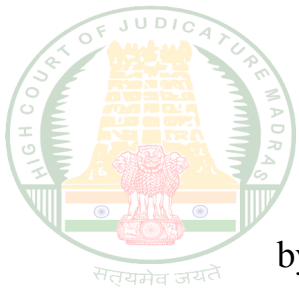
[c] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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;

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

[g] 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



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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];

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

04.06.2025

rsi

To:

1.The Judicial Magistrate No.II,
Puducherry.

2.Inspector of Police,
Orleanpet,
Puducherry.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.
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