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Crl.O.P.No.14624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14624 of 2025

Bhagirath kishore

... Petitioner/A2

Vs.

State rep. by
The Station House Officer,
Muthialpet Police Station,
Puducherry
(Crime No. 04 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner accused on bail in the event of his arrest by the respondent police in pending investigation in Crime No.04 of 2025 on the file of the respondent police.

For petitioner	: Mr.Anbu Selvan
For Respondent	: Mr.K.S.Mohandass Public Prosecutor (Pondy)

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 read



with 34 of Indian Penal Code, in Crime No.04 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's brother is running a pawn shop. The defacto complainant had pledged her gold jewels weighing 38.5 grams. In order to redeem the jewels, she paid a sum of Rs.1,14,000/-. However, despite several demands, the owner of the pawn shop failed to return the jewels. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that it is the petitioner's brother, who is running the pawn shop, whereas the petitioner is running a medical shop. He also submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court, and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case.

5. Heard the learned counsel for the petitioner, the learned



Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Considering the aforesaid fact, nature of allegations and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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-V, Puducherry**, 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 which, the petition for anticipatory bail shall stand dismissed and on further 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



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identity;

[b] the petitioner shall report before the concerned Magistrate on every Monday to Friday at 10.30 a.m., and before the respondent Police on every Saturday and Sunday 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.

21.05.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate-V, Puducherry.

2. The Station House Officer,
Muthialpet Police Station,
Puducherry

3.The Public Prosecutor (Pondy),
Madras High Court, Chennai.

N.SENTHILKUMAR, J.



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