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Crl.O.P.No.15639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15639 of 2025

Kamalesh J

... Petitioner

Vs.

The State represented by,
The T-4 Inspector of Police,
Maduravoyal Police Station,
Chennai - 600 095.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. Not Known on the file of respondent Police.

For Petitioner : Mr.Sagayajeyaseelan.S

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303 and 305 of BNS in Crime No.Not Known, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused had committed theft of 2 sovereigns of gold jewels from the de facto complainant. Based on the complaint given by the de facto complainant, a case in Crime No.203 of 2025 was registered. Hence the case.

3. The contention of the petitioner is that the petitioner is having a shop near the shop of the main accused, who hails from the State of Rajasthan and since the petitioner's native is also Rajasthan, the petitioner was shown as accused in this case. He also submitted that the co-accused were arrested and released on bail and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioner stating that the petitioner/A3 hails from the state of Rajasthan, therefore, if the anticipatory bail is granted to the petitioner, he would escape and the investigation would get stalled. He also submitted that 1 sovereign of gold has been recovered.

5. At this juncture, the learned counsel for the petitioner submitted that though the petitioner's native is Rajasthan, he is residing only in Chennai along with his family and he is ready to give a local surety.



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6. Heard both sides and perused the materials available on record.

7. Considering the submissions made by the learned counsel appearing on either sides and taking note of the 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.

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 **District Munsif cum Judicial Magistrate - II, Poonamallie**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one surety shall be the 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, 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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice,



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2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

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

[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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

24.06.2025

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To

1. The District Munsif cum Judicial Magistrate – II,
Poonamallie
2. The T-4 Inspector of Police,
Maduravoyal Police Station,
Chennai - 600 095.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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