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CRL OP No. 16409 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. 16409 of 2025

Mohammed Fausil

Petitioner/A4

Vs

State rep by, Inspector of Police
F-3 Nungambakkam Police Station,
Chennai-600 006. Crime No.339 of
2025

Respondent

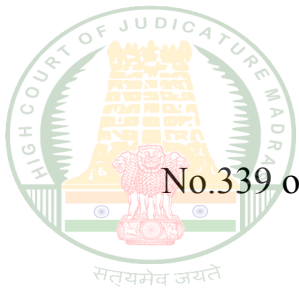
PRAYER Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge him on Bail in the event of
his arrest in Crime No 339/2025 on the file of the respondent police.

For Petitioner: Mr.P.A. Sugumar

For Respondent: 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 Section 303(2) of BNSS Act, in Crime



No.339 of 2025, seeks anticipatory bail.

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2.The case of the prosecution is that on 23.05.2025, the defacto complainant's cell phone was stolen while he was travelling in a Government bus towards Sterling Road Raj Bhavan. Upon discovering the theft, he reported the incident to the bus conductor, who subsequently stopped the bus and allowed him to get down. 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 police submitted that the petitioner/A4 along with other accused had stolen the iphone from the defacto complainant and the iphone has been recovered from the accused persons. He would further submit that A1 and A2



have been arrested and subsequently enlarged on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal 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 XIV Metropolitan Magistrate Court, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



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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 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;

[f]the petitioner to give an undertaking that if required for



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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.

gbi

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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- 1.State rep by, Inspector of Police
F-3 Nungambakkam Police Station,
Chennai-600 006. Crime No.339 of
2025
- 2.The XIV Metropolitan Magistrate
Court, Egmore, Chennai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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M.NIRMAL KUMAR J.

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