



Crl.O.P.No.18778 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18778 of 2025

B.Magesh

... Petitioner

Vs.

State rep. by
The Inspector of Police
M-5, Ennore Police Station,
Crime No.219 of 2025

... Respondent

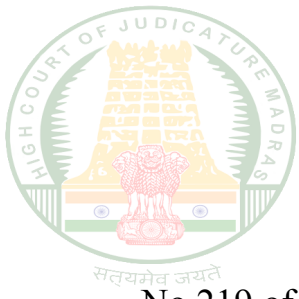
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on Anticipatory bail in the event of their arrest in Crime No.219 of 2025 on the file of the respondent police.

For Petitioner : Mr.Prabhuram Ramasamy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 305 (a) of BNS Act in Crime



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No.219 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto Complainant is running a transport business in the name of SSSB Transports, which is the authorised transporter of Daikin Air conditioners. On 09.02.2025, 160 Indoor and outdoor air conditioner units were transported in a container. When the container reached the destination, it was found that 90 indoor and outdoor Air conditioner units were missing. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is ready to abide any conditions that may be imposed by this Court. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that 87 Air conditioner units were recovered out of 90 units and 3 units were used by Accused-2. He also submitted that some of the Accused were granted bail in this case. However, he vehemently opposed for grant of 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 facts and circumstances of the case, submissions made by the learned counsel appearing on either sides, nature of allegation, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate - Thiruvottiyur** 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 and thereafter, as and when required for interrogation.

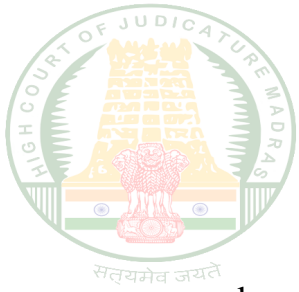
[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[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 petitioner in accordance with law as if the conditions



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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.

30.07.2025

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To

1. The Judicial Magistrate - Thiruvottiyur
2. The Inspector of Police
M-5, Ennore Police Station,
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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