



Crl.O.P.No.19165 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19165 of 2025

Joseph Nallathambhi

... Petitioner

Vs.

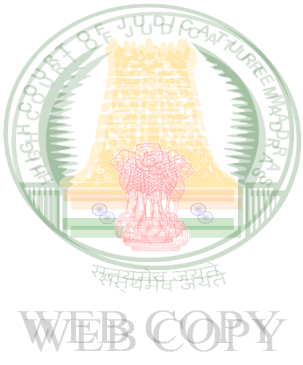
State rep.by,
The Inspector of Police,
Ambattur Police Station,
Chennai.
(Crime No.578 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest, in Crime No.578 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



Crl.O.P.No.19165 of 2025

WEB COPY

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 74, 303 and 351(2) of BNS, 2023, (U/s 294(b), 354, 378 and 506 of IPC), in Crime No.578 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a auction chit. The defacto complainant, who is a subscriber of the chit, failed to pay the amount. On questioning the same, the defacto complainant requested the petitioner to keep custody of his two wheeler. Later, the defacto complainant gave a complainant as if the petitioner had stolen the vehicle. Hence, the case.



Crl.O.P.No.19165 of 2025

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against the petitioner. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police while opposing for granting anticipatory bail to the petitioner, reiterated the prosecution case.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record.



CrI.O.P.No.19165 of 2025

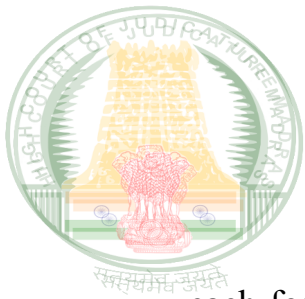
WEB COPY

6. Considering the submissions made on either side, it is seen that

the petitioner was running a auction chit, The defacto complainant is a subscriber to the chit and had taken the chit for a sum of Rs.2 lakhs. He has to pay an amount of Rs.57,500/- which is due and he had been dragging on.

When the petitioner had questioned the defacto complainant, he had handed over his two-wheeler to the petitioner and thereafter, projected the case as though the petitioner had assaulted the defacto complainant and taken his bike. In view of the same, 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 Judicial Magistrate, Ambattur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties**



Crl.O.P.No.19165 of 2025

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 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 as and when required for further 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;



Crl.O.P.No.19165 of 2025

WEB COPY

[e] the petitioner shall make himself available for interrogation by the respondent 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 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.

05.08.2025

dna



WEB COPY



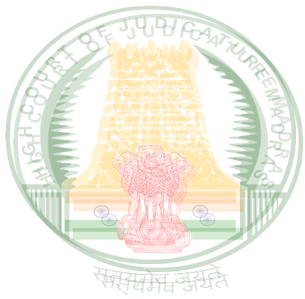
CrI.O.P.No.19165 of 2025

To:

1.The Judicial Magistrate, Ambattur.

2.The Inspector of Police,
Ambattur Police Station,
Chennai.
(Crime No.578 of 2025)

3.The Public Prosecutor,
High Court Madras.



WEB COPY



CrI.O.P.No.19165 of 2025

M.NIRMAL KUMAR, J.

dna

CrI.O.P.No.19165 of 2025

05.08.2025