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Crl.O.P.No.19698 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19698 of 2025

1. Murugan
2. Surya
3. Selvam
4. Sathiyaraj
5. Siva

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Valavanur Police Station
Villupruam District.
(Crime No.285 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.285 of 2025 on the file of respondent Police.

For Petitioners : Mr.A.T.Anbu Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences under Section 305(e) of BNS, in Crime No.285 of 2025, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the accused had committed theft of copper coils weighing about 98 kilograms from the transformers. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners, to show their bonafide, without prejudice to their contentions, are ready to deposit a sum a considerable amount to the credit of crime number. Hence, he prays for the 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 petitioners. He also submitted that there are seven accused in this case and that the second and the third petitioners herein are not as arrayed as the accused in this case. He further submitted that the first petitioner is arrayed as A3 and petitioners 4 and 5 are arrayed as A6 and A7 and there is no previous case against them.



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

6. In view of the submissions made by the learned Government Advocate (Criminal Side), the Criminal Original Petition in respect of petitioners 2 and 3 is closed. Considering the nature of the allegations and taking note of the voluntary undertaking given by petitioners, this Court is inclined to grant anticipatory bail to petitioners 1, 4 & 5 subject to certain conditions.

7. Accordingly, in respect of petitioners 1, 4 and 5, this petition is ordered and thereby, petitioners 1, 4 and 5 are 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 No.II, Villupuram**, on condition that petitioners 1, 4 and 5 shall execute separate bond each for a sum of **Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] **petitioners 1, 4 & 5 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No. 285 of 2025 and shall produce the proof of**



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deposit before the learned Magistrate concerned at the time of executing the sureties;

[b] if petitioners 1, 4 & 5 fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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

[d] petitioners 1, 4 & 5 shall report before the respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required;

[e] petitioners 1, 4 & 5 shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[f] petitioners 1, 4 & 5 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;

[g] petitioners 1, 4 & 5 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



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regard;

[h] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against petitioners 1, 4 & 5 in accordance with law as if the aforementioned conditions have been imposed and petitioners 1, 4 & 5 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]**;

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

9. On such deposit being made by petitioners 1, 4 & 5, the trial Court shall re-deposit the said amount in a Fixed Deposit Scheme, in any one of the Nationalized Banks, renewable thereafter periodically.

23.07.2025

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To

1. The Judicial Magistrate No.II, Villupuram.
2. The Inspector of Police,
Valavanur Police Station
Villupruam District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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