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Crl.O.P.No.20143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20143 of 2025

Ajai

... Petitioner/Accused No.2

Vs.

State rep by
The Inspector of Police,
Morappur Police Station,
Dharmapuri.
(Crime No.84 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.84 of 2025, on the file of the respondent,
pending investigation.

For Petitioner : M/s.P.Tamil Lakshmi

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 (Section -379 of Indian Penal Code, 1860), in Crime No.84 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.05.2025 around 2.00p.m., the defacto complainant was proceeding towards Harur in his two-wheeler bearing No.TN29 CT 5401 (Amper) carrying the chillies that were cultivated from his agricultural land for the purpose of selling the same, he parked his vehicle on the roadside near Senthoor Mahal to take a leak. Meanwhile, two identifiable persons approximately aged around 20 to 25 have stolen his blue Poco mobile worth Rs.7000/- from his two-wheeler and left the place. Hence, the case.



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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 Government Advocate (Criminal Side) appearing for the respondent police while opposing for granting anticipatory bail to the petitioner, reiterated the prosecution case and stated that the petitioner has got no previous cases against him.

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.



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6. Considering the submissions made on either side, 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 Principal District Judge, Dharmapuri**, on condition that the petitioner shall execute a bond 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] 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



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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 every day at 10.30 a.m., for a period of three weeks and thereafter 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;

[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



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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.

25.07.2025

dna

To:

1.The Inspector of Police,
Morappur Police Station,
Dharmapuri.
(Crime No.84 of 2025)

2.The Principal District Judge, Dharmapuri,

3.The Public Prosecutor,
High Court Madras.

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