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Crl.O.P.No.35619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35619 of 2025

1. Deva Parthipan
2. Justin
3. Daniel Jebaraj

... Petitioners

Vs

State Rep. by
The Inspector of Police
Rasipuram Police Station
Namakkal District
(Crime No.379 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S., to grant Anticipatory Bail to this petitioners in the event of their arrest in Crime No.379 of 2025, pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Dhasarathan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



ORDER

The petitioners who apprehend arrest in the hands of the respondent police for the offence punishable under Section 303(2) of BNS (379 of IPC), in connection with Crime No.379 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.11.2025, the petitioners along with other accused took stones from a patta land without permission from the authorities concerned. Hence, this case.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent opposed for the grant of anticipatory bail to the petitioners by reiterating the prosecution case. However, he would submit that there is no previous case against the petitioners and the co-accused has already been released on bail.

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



6. Considering the nature of the offences and the fact that no previous case is pending against the petitioners and the co-accused has already been released on bail, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners 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 **Judicial Magistrate, Rasipuram, Namakkal District**, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent-police on every Saturday at 10.30 a.m., for a period of four weeks.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.12.2025

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To

1. The Judicial Magistrate,
Rasipuram, Namakkal District

2. The Inspector of Police
Rasipuram Police Station
Namakkal District

3. The Public Prosecutor
High Court of Madras



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P.DHANABAL, J.,

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