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Crl.O.P.No.5161 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.5161 of 2026

Iyyapan

... Petitioner

Vs.

The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No. 7 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.7 of 2026 on the file of the respondent police.

For Petitioner : Mr. T. Balachandran

For Respondent : Mr. P. Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Section 305(a) of BNS, 2023 in Crime No.7 of 2026 on the file of the respondent police seeks anticipatory bail.



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2. According to the prosecution case, an FIR was registered regarding the missing of two cell phones and cash of Rs.17,300/-.

3. The learned counsel for the petitioner submitted that he is only A3 and has nothing to do with the alleged offence. He further submitted that the co-accused have already been enlarged on bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that on account of the theft committed by the petitioner, an FIR was registered and A1 and A2 were arrested by the police on 10.01.2026 and released on bail on 24.02.2026. The learned Government Advocate fairly submitted that there is no previous case against the petitioner and prayed for dismissal of the anticipatory bail petition.

5. I have given my anxious consideration to either side submission.

6. On perusal of the factual position, there is no previous case against the petitioner. Apart from that, the co-accused namely A1 and A2, have already been released on bail on 24.02.2026. In such view of the position, this Court deems it appropriate to enlarge the petitioner on anticipatory bail, subject to certain conditions.



9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.2, Ulunderpet, Kallakurichi District**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent Police, twice daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter once in the morning for a further period of two weeks and thereafter as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the



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conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

02.03.2026

AT

To

- 1.The Judicial Magistrate No.2, Ulunderpet.
- 2.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

AT

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