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CrI.O.P.No.12340 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2026

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

CrI.O.P.No.12340 of 2026

Venkatesh (alias) Surutai Venkatesh
S/o. Gopi,
No.68/55, 5th Street,
Annai Sivagami Nagar, Ennore,
Thiruvottiyur, Tiruvallur District,
Tamil Nadu – 600 057.

... Petitioner/ 4th Accused

Vs.

The State Rep. by
The Inspector of Police,
M-5, Ennore Police Station,
Tiruvallur District, Chennai.
(Crime No.40 of 2026)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS Act, 2023, praying to enlarge the petitioner on pre-arrest bail in the event of arrest in the hands of the Respondent in Crime No.40 of 2026 pending investigation on the file of the respondent police.

For Petitioner : Mr.Muthuramalingam

For Respondent : Mr.V.Meganathan
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 12.05.2026 under Section 482 of BNSS Act, 2023 praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 191 (2), 191 (3), 281, 296 (b), 351 (3) of BNS, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992 in Crime No.40 of 2026 on the file of the respondent police.

3. The case of the prosecution is that the petitioner along with other accused damaged the petrol pumping machine and threatened the complainant and the petrol bunk staff. Hence the case.

4. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Heard on both sides'. This Court has perused the FIR.

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6. This Court specifically put a question to the learned Government Advocate (Criminal Side) for the respondent police as to whether the investigating officer had collected any material to substantiate that the petitioner and other accused damaged the petrol pumping machine and pillar worth about Rs.15,00,000/-. On instructions, the learned Government Advocate (Criminal Side) submits that no such material is available in the C.D file. Though the occurrence took place on 02.02.2026, till date, the respondent-police has not collected any material to show that the petitioner and others damaged the petrol pumping machine worth about Rs.15,00,000/-.

7. In view of the facts and circumstances of the case, this Court is of the considered view that the custodial interrogation of the petitioner is not required to the investigating Agency. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned **Judicial Magistrate, Thiruvottiyur, Chennai**, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- to the satisfaction of the **Judicial Magistrate, Thiruvottiyur, Chennai**.

(ii) The petitioner shall appear and sign before the respondent **Police, daily at 10.00 a.m and 5.00 p.m., until further orders;**

(iii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.40 of 2026 on the file of the respondent-police, before the learned **Judicial Magistrate, Thiruvottiyur, Chennai**. In turn, the learned **Judicial Magistrate, Thiruvottiyur, Chennai** shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.40 of 2026.

(iv) 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 **Judicial**



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Magistrate, Thiruvottiyur, Chennai shall obtain a copy of any one of their identity proofs to ensure their identity;

(v) The petitioner shall make himself available for interrogation by police as and when required;

(vi) The petitioner 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 them from disclosing such facts to the Court or to any police officer;

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(viii) The petitioner shall not leave India without the prior permission of the trial Court; and

(ix) On breach of any of the aforementioned conditions, the Judicial Magistrate, Thiruvottiyur, Chennai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject

to the conditions stated supra.

20.05.2026

Index : Yes/No

Internet : Yes/No

dh/rli

Note:-

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate,
Thiruvottiyur, Chennai.

2.The Inspector of Police,
M-5, Ennore Police Station,
Tiruvallur District, Chennai.

3.The Public Prosecutor,
High Court of Madras.

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R.SAKTHIVEL. J.

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