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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30697 of 2026

CNR:{HCMA012560152026}

Elayaraja
S/o. Kullakiyan,
No.3/105, Vadakumarai,
East Kadu, Thenkumarai post,
Attur Taluk,
Salem District.

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police,
Thalaivasal Police Station,
Salem District
Crime No.305 of 2026)

..Respondent(s)

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 his arrest in Crime No.305 of 2026, on the file of the respondent police.

For Petitioner(s): Mr.Dilli Ganesh S

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Crl. Side)

Order

The petitioner apprehends arrest for the alleged offence under Sections 85, 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, 4 of Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 and 4 of

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the Dowry Prohibition Act, 1961 in Crime No.52 of 2026 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was admitted to the Government Hospital, Attur, on 02.10.2026. Thereafter, while she was staying at her relative's house, the Ashok Leyland lorry bearing Registration No.TN 31 AJ 7204 and the Kartar Agro Kartor 3500 Track Combine Harvester bearing No.UNJ151065 were parked outside her house. On being informed by her neighbours that the vehicles were missing, she suspected one Jothi Basu (A1) had stolen them. Hence a case.

3.The learned counsel for the petitioner submitted that the petitioner's name had been implicated in the FIR based on the confession statement of the arrested accused. He further submitted that the petitioner had been falsely implicated in the case merely on the ground that he was a friend of A1. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submits that A1 had already been arrested and both the stolen properties had been recovered. He further submitted that no other Criminal Cases were pending against him. Hence, he opposed the grant of anticipatory bail.

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5.Considering the nature of the allegations and the circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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, Attur, Salem District,** on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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, daily at 10.30 a.m. until further orders;

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(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 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.

23-10-2026

AH

To

1.The Judicial Magistrate No.2,
Attur,
Salem District.

2.The Inspector of Police,
Thalaivasal Police Station,
Salem District

3.The Public Prosecutor,
High Court, Madras.

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N.RAMESH J.

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