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Crl.O.P.No.20727 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

MR.JUSTICE N.SESHASAYEE

Crl.O.P.No.20727 of 2024

Pratheep @ Javu

... Petitioner

Vs.

State represented by,
The Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District
(Crime No.352 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.352 of 2024 on the file of respondent police.

For Petitioner : Mr.Sathiyaraj.E

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

ORDER



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The petitioner herein is arrayed as A2 in Crime No.352 of 2024, and he has been remanded to judicial custody on 14.08.2024, for the offences punishable under Sections 7(1)(a) of Criminal Law Amendment Act, 2005 and 25(1A) of Indian Arms Act on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.08.2024, the petitioner/A1 birthday was celebrated in Kattukanallur Village, wherein, the accused cut the birthday cake through knife along with other accused and the photo was also published in Daily Thanthi Newspaper on 14.08.2024. On the basis of complaint by the Village Administrative Officer, the complaint.

3. The learned counsel for the petitioner submitted that he is innocent and he has nothing to do with the alleged offence. He added that the petitioner is in judicial custody from 14.08.2024. He would further submit that he is ready to abide by any conditions imposed by this Court while releasing on bail and is ready to furnish substantial sureties as directed by this Court. Hence, he prays grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) submitted that the petitioner/A1 birthday was celebrated in Kattukanallur Village, wherein, the accused cut the birthday cake through knife along with other accused and the photo was also published in Daily Thanthi Newspaper on 14.08.2024. He added that there is no previous case pending as against the petitioner. Hence, he opposed to granting bail to the petitioner.

5. Taking into account the specific overt act attributed to the petitioner and given the duration of his judicial custody and since there is no previous case pending against the petitioner, this Court deems it appropriate to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, out of which, one should be a blood / relative surety, to the satisfaction of the learned Judicial Magistrate, **Arni, Tiruvannamalai**, and on further conditions that:-

[a] the petitioner and sureties shall affix their photographs and Left



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Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate, Arni, Tiruvannamalai daily at 10.30 a.m., for a period of 30 days and thereafter, the petitioner is also at liberty to move the concerned Sessions Court for further relaxation of conditions, if required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[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 absconds, a fresh FIR can be registered under Section 269 BNS.



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To

- 1.The Judicial Magistrate
Arni, Tiruvannamalai
- 2.The Central Prison, Vellore
- 3.The Inspector of Police
Kannamangalam Police Station
Tiruvannamalai District
- 4.The Public Prosecutor,
High Court of Madras.

N. SESHASAYEE, J.

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