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Crl.O.P.No.26563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26563 of 2024

1. Ajithkumar

2. Keerthivasan

...Petitioners

Vs.

The State
rep by Inspector of Police
Kuthalam Police Station,
Mayiladuthurai District
(Crime No.318 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.318 of 2024 on the file of respondent police.

For Petitioner : Mr.G. Anto Prince

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.10.2024 for the allege offences under Section 108 of B.N.S,2023 in Crime No.318 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners who are the collection agent of the IDFC Bank insisted the deceased to repay the loan borrowed by him and abused him with filthy language, due to which the deceased consumed poison and died. Hence, the Case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioners have been in custody since 03.10.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioners.

4. Learned Additional Public Prosecutor opposes the grant of bail



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to the petitioners by stating that the petitioners who are the collection agent of the IDFC Bank insisted the deceased to repay the loan borrowed by him and abused him with filthy language, due to which the deceased consumed poison and died. He further submit that there is no previous case, pending against the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent including the F.I.R.

6. Considering the submissions of the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner, there is no previous case pending against the petitioners and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I Mayiladuthurai, Mayiladuthurai District** and on further conditions that:



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[a]the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.

[b] the petitioners shall attend in accordance with the conditions of the bond;

[c] the Petitioners shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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 or tamper with the evidence;

[e] the Petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
and

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

25.10.2024

smn

To

1.The Judicial Magistrate-I Mayiladuthurai, Mayiladuthurai District

2. Inspector of Police
Kuthalam Police Station,
Mayiladuthurai District

3.The Superintendent, Sub Jail,
Mayiladuthurai,

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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