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Crl.O.P.No.28364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28364 of 2024

Kubendiren

... Petitioner

Vs.

The State represented by,
Station House Officer,
Sethiathope Police Station,
Cuddalore District.
(Crime No.238 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.238 of 2024, pending investigation on the file of Puthur Police Station, Cuddalore District.

For Petitioner : Mr.M.Ragul Kousik

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.10.2024, seeking bail in Crime No.238 of 2024 registered for the offence under Sections 296(b), 131, 351(3) and 293



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of BNS altered into Sections 296(b), 131, 351(3), 293, 132 and 111 of BNS, 2023.

2. The case of the prosecution is that petitioner had purchased grapes from the de facto complainant and when he demanded the amount, the petitioner had refused to pay the amount, threatened him and ran away from the scene of occurrence. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has a permanent residence and he is in custody from 19.10.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that petitioner had purchased grapes from the defacto complainant, but, not paid the amount and when he questioned, the petitioner threatened him and ran away from the scene of occurrence. He would further submit that petitioner has got four previous cases. Hence, he



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opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate I, Chidambaram**, and on further conditions that:

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



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[b] the petitioner shall report before the respondent police daily morning at 10.30 a.m and evening at 6.30.p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner 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 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 B.N.S.

13.11.2024

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To

1. The Judicial Magistrate I,
Chidambaram.
2. The Station House Officer,
Sethiathope Police Station,
Cuddalore District.
3. The Superintendent,
The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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