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Crl.O.P.Nos.29109 and 29169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.Nos.29109 and 29169 of 2024

M.Priyan

... Petitioner in Crl.O.P.No.29109 of 2024

1.Santhosh Kumar

2.Gokul

...Petitioners in Crl.O.P.No.29169 of 2024

Vs.

State rep. by
The Inspector of Police,
H-5 New Washermanpet Police Station,
Chennai.
(Cr.No.1288 of 2024)

... Respondent in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.1288 of 2024 on the file of the respondent of police.



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For Petitioners : Mr.G.Sarathkumar for Crl.O.P.No.29109 of 2024

Mr.V.Karthick for Crl.O.P.No.29169 of 2024

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

ORDER

These Criminal Original Petitions have been filed by the petitioners/A2, A3 and A5 respectively, who were arrested and remanded to judicial custody on 04.11.2024, seeking bail in Crime No.1288 of 2024 registered for the offence under Sections 191(2), 191(3), 126, 296(b), 351(3) BNS & 25(1A) of Arms Act.

2. The case of the prosecution is that due to previous enmity, the petitioners waylaid the defacto complainant and attempted to murder him. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against them due to previous enmity. Hence, he prayed for grant of bail to the petitioners, who



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are in custody from 04.11.2024, stating that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioners, submitted that due to previous enmity, the petitioners waylaid the defacto complainant and attempted to murder him. He further submitted that A2 has got one previous case and that there are no previous cases as against A3 and A5. However, he vehemently opposed for grant of bail to the petitioners.

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

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



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7. Accordingly, the petitioners are ordered to be released on bail on them executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties, of which one should be a blood related surety**, each for a like sum to the satisfaction of the learned **Judicial XV Metropolitan Magistrate, George Town, Chennai**, 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;

[b] the petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioners 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 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***



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[(2005)AIR SCW 5560];

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

21.11.2024

Anu



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A.D.JAGADISH CHANDIRA., J.

Anu

To

1. The XV Metropolitan Magistrate,
George Town, Chennai
2. The Inspector of Police,
H-5 New Washermanpet Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.

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