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CrI.O.P.No.29787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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

CrI.O.P.No.29787 of 2024

Thambidurai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.

(Crime No.286 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.286 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Senthil Kumar

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

ORDER

Petition seeking bail in respect of Crime No.286 of 2024 registered for the offences punishable under Sections 309(4) and 311 of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 12.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offence, however, he has been implicated in this case since he has several previous cases.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had waylaid the de facto complainant and by threatening him at knife point, robbed a sum of Rs.850/- from him. He also submits that the investigation in this case is still pending and six previous cases including two murder cases are pending against the petitioner. Therefore, if he is released on bail, there is every possibility of him absconding and not available for further investigation.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner was acquitted in one of the murder cases registered against him. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.



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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police, and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 No.II, Mettur, Salem** 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 petitioner shall report before the respondent Police, everyday at 06.30 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



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.11.2024

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To

1. The Judicial Magistrate No.II,
Mettur, Salem.
2. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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