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CrI.O.P.No.30726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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

CrI.O.P.No.30726 of 2024

1. Arunnath @ Stephan

2. Franklin

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur District.

(Crime No.555 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.555 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

Petition seeking bail in respect of Crime No.555 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(1), 118(1),



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351(3), 109, 309(4) of BNS, is on board for consideration.

2. The incarceration of the petitioners being from 05.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the de facto complainant is the person who had come in an inebriated condition abused the petitioners and others, however, he had lodged a false complaint against the petitioners. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners along with other accused, abused the de facto complainant in filthy language, assaulted him with beer bottle and hands causing injuries and also threatened him with dire consequences. Further, the accused had taken away a sum of Rs.2000/- from the de facto complainant's pocket. He further submits that the injured has been discharged from the hospital and the investigation is pending. He also submits that six previous cases are pending against the first petitioner and in respect of the second petitioner, three previous cases are pending.

4. Having heard the learned counsel for the petitioners and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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.I, Tiruvallur**, 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



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conditions have been imposed and the petitioners released on

A.D.JAGADISH CHANDIRA.,J.

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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.

10.12.2024

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To

1. The Judicial Magistrate No.I,
Tiruvallur.
2. The Inspector of Police,
Tiruvallur Town Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison - II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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