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Crl.O.P.No.31611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

Crl.O.P.No.31611 of 2024

1.Nagaraj

2.Dinesh

... Petitioners

Vs.

State Rep. by its
The Inspector of Police
Avinashi Police Station
Tiruppur, Tiruppur District
(Crime No. 793 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.793 of 2024 on the file of the Inspector of Police, Avinashi Police Station,
Tiruppur, Tiruppur District.

For Petitioner : Mr.C.Balaji

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

ORDER

Petition seeking bail in respect of Crime No.793 of 2024 registered for
the offence punishable under Section 308(4) of BNS 2023 and Section 25(1)(a) of
Arms Act, is on board for consideration.

2.The incarceration of the petitioners being from 19.11.2024 pleading
innocence on the part of the petitioners and false implication in the case, learned



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counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offences and they are ready to abide by any stringent condition that may be imposed by this court.

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 on 19.11.2024, the petitioners ambushed the de facto complainant, demanded money, when he refused and screamed for help, the public arrived and the petitioners tried to flee the scene of occurrence, however, they were apprehended by the public and handed over to the police. He further submits that there are seven previous cases against the first petitioner and eleven previous cases against the second petitioner.

4.Having heard the learned counsel for the petitioners and the learned 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 a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of the two sureties one should be either Mother or Father of the petitioners) each for a like sum to the satisfaction



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of the learned Judicial Magistrate, Avinasi, 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 [(2005)AIR SCW 5560]***;

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

18.12.2024

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Judicial Magistrate,
Avinasi, Chennai.

2.The Inspector of Police
Avinashi Police Station
Tiruppur, Tiruppur District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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