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Crl.O.P.No.363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

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

Crl.O.P.No.363 of 2025

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.

(Crime No.1020 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.1020 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Muthukumar

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

ORDER

Petition seeking bail in respect of Crime No.1020 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 118(1), 109(1), 351(3) and 49 of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 21.12.2024, pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the de facto complainant along with his friend, who were working in the textile shop owned by the petitioner's brother, had misappropriated the amount in the shop to the tune of Rs.14 lakhs and thereby, in order to evade re-payment of the said amount, the de facto complainant had lodged a false complaint against the petitioner. He also submitted that the petitioner is 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 since the de facto complainant and his friend, who were working in the textile shop run by the petitioner's brother, had misappropriated a sum of Rs.14 lakhs, the petitioner along with other accused abused the de facto complainant and his friend, assaulted them with knife causing injuries and also threatened them with dire consequences. He further submits that the case is under investigation and the injured have been discharged from the hospital.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record and considering the facts of the case and that the injured have also been discharged from the hospital, 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 **XVI 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 petitioner shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police, 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;



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[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 of B.N.S.

09.01.2025

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-1, Royapuram Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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