



Crl.O.P.No.398 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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

Crl.O.P.No.398 of 2025

Basheer Khan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai.
(Crime No.1357 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.1357 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Karthick

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

ORDER

Petition seeking bail in respect of Crime No.1357 of 2024 registered for the offences punishable under Sections 310 (4) & 310 (5) of BNS, is on board for consideration.



Crl.O.P.No.398 of 2025

WEB COPY

2. The incarceration of the petitioner/A1 being from 25.12.2024 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 also submits that the petitioner is in no way connected with the alleged offence and in order to keep him under fetters, the present case has been foisted against him. He also submits that the some of the co-accused have been enlarged on bail by this Court and 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 when the respondent and his team were on their regular patrol duty, they have seen that the accused had assembled together and were making preparation for committing dacoity. He also submits that 13 previous cases are pending against the petitioner and the present case is under investigation.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and taking note of the period of incarceration undergone by the petitioner and that the co-accused have been released on bail, this court is inclined to grant bail to the petitioner with certain conditions and



CrI.O.P.No.398 of 2025

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** (out of which, one of the sureties should be the blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **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 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 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]***;



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Crl.O.P.No.398 of 2025

A.D.JAGADISH CHANDIRA.,J.

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

28.01.2025

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal - II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.398 of 2025