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Crl.O.P.No.360 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.360 of 2025

1. Sundaram

2. Narendar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-2, Kodambakkam Police Station (L&O),
Chennai – 600 024.
(Crime No.254 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.254 of 2024, pending investigation on the file of the respondent Police.

For petitioners : Mr.A.Jayaprakash

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

ORDER

Petition seeking bail in respect of Crime No.254 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 115(2), 308(4) & 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioners being from 22.12.2024, 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 petitioners are in no way connected with the alleged offence, however, the present case has been foisted only for the statistical purpose. He further submitted 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 putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de facto complainant is running a biriyani shop and on 22.12.2024, when he had asked the accused to pay amount for the food, the accused had abused the de facto complainant in filthy language, assaulted and demanded mamool from him and further, threatened him with dire consequences. He also submits that the one previous case is pending against the first petitioner and in respect of the second petitioner, 3 previous cases are pending.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the nature of allegation, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly,



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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 **XVII Metropolitan Magistrate, Saidapet, 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]***;



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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.

09.01.2025

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To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-2, Kodambakkam Police Station (L&O),
Chennai – 600 024.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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