



Crl.O.P.No.1243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CRL OP NO. 1243 of 2025

Pencilaiya @ Kappa

... Petitioner(s)

Vs

State rep. by,
Inspector of Police
H6, R.K.Nagar Police Station,
Chennai.
(Cr.No.1357 Of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.1357 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.P.Pon Balaji

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



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ORDER

Heard the learned counsel on either side.

2. The petitioner stands accused in Crime No. 1357 of 2024 on the file of respondent police for the offences under Sec.310(4) and 310(5) of The Bharatiya Nyaya Sanhita (BNS), 2023. He was arrested on 25.12.2024. The only allegation against him is that the petitioner along with other accused said to have unlawfully assembled and prepared to commit dacoity with dangerous weapons.

3. Learned Government Advocate (Crl. Side) would submit that nine previous cases pending against the petitioner.

4. Taking into account the over all facts and circumstances, I am of the view that though the allegation against the petitioner is grave in nature, his continuity of incarceration will not serve any purpose and it is not in dispute that co-accused was released on bail. Hence, this Court is inclined to grant bail to the petitioner, subject to the following conditions :-



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(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:-

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned trial judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate



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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 BNS.

17.01.2025

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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN, J.

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