

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.1937 of 2025

1.Karthick

2.Gokulkannan @ Gokulakannan

3.Jayakumar @ Jaisurya @ Panai

... Petitioners

Vs.

State Rep. by Inspector of Police

B-5, Walajabad Police Station

Kanchipuram District

(Crime No.11 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya

Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.11

of 2025 on the file of the respondent Police.

For Petitioner : Mr.B.Hariharan

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

ORDER

Petition seeking bail in respect of Crime No.11 of 2025 registered for the offences punishable under Sections 115(2), 118(1), 296(b), 309(6), 351(3) of BNS is on board for consideration.

2.The incarceration of the petitioners being from 08.01.2025, 07.01.2025 & 07.01.2025 respectively, 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 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 the petitioners, along with other accused, waylaid the de facto complainant while in an intoxicated state, subjected him to verbal abuse, assaulted him with a knife and wooden logs, snatched his Vivo mobile phone, and threatened him with dire consequences. He further submits that there are no previous cases against the petitioners 1 & 2 and two previous cases against the third 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**, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Kanchipuram, 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.01.2025

sai

A.D.JAGADISH CHANDIRA, J.
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To

1.The Judicial Magistrate II, Kanchipuram

2.The Inspector of Police,
B-5, Walajabad Police Station
Kanchipuram District

3.The Superintendent,
Central Jail, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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