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Crl.O.P.Nos.2148 & 2178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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

Crl.O.P.Nos.2148 & 2178 of 2025

Rithish ... Petitioner in Crl.O.P.No.2148 of 2025

Elumalai ... Petitioner in Crl.O.P.No.2178 of 2025

Vs.

The State represented by,
The Inspector of Police,
V-6 Kolathur Police Station,
Chennai.

(Crime No.08 of 2025). ... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with Crime No.08 of 2025, pending investigation on the file of the respondent Police.

For Petitioner in Crl.O.P.No.2148 of 2025 : Mr.A.Samson

For Petitioner in Crl.O.P.No.2178 of 2025 : Mr.A.Vinoth Kumar

For Respondent in both Crl.O.Ps. : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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COMMON ORDER

Petition seeking bail in respect of Crime No.08 of 2025 registered for the offences punishable under Sections 126(2), 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) & 109 of BNS and Section 3 of the TN Public Property (Prevention of Damage & Loss) Act, is on board for consideration.

2. The incarceration of the petitioners being from 12.01.2025, 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 due to previous enmity, a false complaint has been lodged against the petitioners. He also submits that the petitioners are ready to abide by any stringent conditions 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 due to previous enmity, the accused had abused the de facto complainant and his friends in filthy language, assaulted them with knife causing injuries and also damaged the Auto in which the de facto complainant and his friends were traveling. He further submits that the injured have been discharged from the hospital the case is under



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investigation. He also submits that the petitioners herein are arrayed as A3 and A1 respectively and against A3, there is no previous case and in respect of A1, two 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 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 separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one of the sureties should be either the father or mother of the petitioners)**, each for a like sum to the satisfaction of the learned **XIII Metropolitan Magistrate, Egmore, 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;



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[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 B.N.S.

30.01.2025

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To

1. The XIII Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
V-6 Kolathur Police Station, chennai.
3. The Superintendent,
Central Prison, Puzhal -II.
4. The Public Prosecutor, High Court of Madras.

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