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Crl.O.P.No.2195 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.No.2195 of 2025

1. Nithivel

2. Manikandan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
T-2 Ambattur Estate Police Station,
Tiruvallur District.
(Crime No.767 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.767 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.A.Samson

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

ORDER

Petition seeking bail in respect of Crime No.767 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 118(1), 311 and 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioners being from 20.12.2024, 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 also submits that the petitioners are in no way connected with the alleged offence, however, the present case has been foisted only for a statistical purpose. He further submits 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 when the de facto complainant had refused to give the money as demanded by the accused, the accused had abused him in filthy language and assaulted him and robbed a sum of Rs.300/- at knife point. He further submits that against the first petitioner, several previous cases are pending.

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 second petitioner, this Court is inclined to grant bail to the second petitioner alone with certain conditions and further, considering the



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antecedents of the first petitioner, this Court is not inclined to grant bail to the first petitioner.

5. Accordingly, the Criminal Original Petition in respect of the first petitioner stands dismissed and the Criminal Original Petition in respect of the second petitioner stands ordered. Thereby, the second 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 either the father or mother of the second petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambattur**, 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 second petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the second petitioner shall not abscond either during investigation or trial;

[d] the second petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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 B.N.S.

30.01.2025

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T-2 Ambattur Estate Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison, Puzhal - II,
4. The Public Prosecutor,
High Court of Madras.

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