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Crl.O.P.No.2327 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2327 of 2025

S.Rajeevkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.725 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with the Crime No.725 of 2024, on the file of the respondent Police.

For Petitioner : Mr.A.Joseph Jerry

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who
was arrested and remanded to judicial custody on 23.12.2024, seeking bail in
Crime No.725 of 2024 registered for the offence under Sections 296(b), 109 and
324(2) of BNS @ Sections 296(b), 115(2), 109 and 324(2) of BNS.



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2. The case of the prosecution is that the husband of the de facto complainant was working as a watchman in a Water Service Station at Kolanjiwadi. On 22.12.2024, when the husband of the de facto complainant/victim was on night duty, A1, who was also working in the same service station, came late and when the same was questioned by the victim, there was a wordy altercation between them and as a result, A1 stated to have attacked the victim with iron rod causing injuries and the petitioner/A2 herein, who is the friend of A1, was also present at the scene of occurrence.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case and suffering incarceration from 23.12.2024. He further submitted that even as per the prosecution, the injured has been discharged from the hospital, hence, he prayed that the petitioner may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner/A2.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering the fact that the injured has been discharged from the hospital, nature of allegation against the petitioner and the period of incarceration undergone by him, this Court is of the view that the further custody of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Dharapuram**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

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

SUNDER MOHAN., J.



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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 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 B.N.S.

31.01.2025

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To

1. The Judicial Magistrate,
Dharapuram.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
3. The Superintendent,
District Jail, Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

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