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Crl.O.P.No.2410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2410 of 2025

Babu

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.02 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.02 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.01.2025, seeking bail in Crime No.2 of 2025 registered for the offence under Section 310(4) of BNS, 2023.



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2. The case of the prosecution is that the petitioner and the other accused were arrested while they were preparing to commit dacoity; and that when they saw the police, they attempted to escape and subsequently, were arrested.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that in any case, the petitioner is in custody from 04.01.2025 and his further custody in the instant case is not required for the purpose of investigation and sought for bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police *per contra* submitted that there are sixteen previous cases, out of which, six of them have been either disposed of or referred and the other cases are either pending trial or under investigation.

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



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6. This Court perused the list of cases produced by the learned Government Advocate (Crl. Side), which are registered against the petitioner.

7. Considering the nature of the allegations, nature of the cases registered against the petitioner and the fact that he is on bail in the other cases, period of incarceration and since, his further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **District Munsif Cum Judicial Magistrate, Kodavasal** 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;



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[d] the petitioner 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 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.

05.02.2025

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To

1. The District Munsif Cum Judicial Magistrate,
Kodavasal.
2. The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
3. The Superintendent,
District Prison, Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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