



Crl.O.P.No.2482 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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1. Kalarafie @ Mohammed Rafie
2. Masthan @ Syed Masthan

... Petitioners/A1 & A2

Vs.

The State represented by,
The Inspector of Police,
T-12, Poonamallee Police Station,
Avadi District.
(Crime No.56 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.56 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Ms.G.Gayathri

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

ORDER

This Criminal Original Petition have been filed by the petitioners, who were arrested and remanded to judicial custody on 18.01.2025, seeking bail in Crime No.56 of 2025 registered for the offence under Sections 115(2), 118(1),



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125, 191(2), 191(3), 296(b), 309(4), 311, 324(4), 351(3) of BNS.

2. The case of the prosecution is that the petitioners have purchased beer bottles from the wine shop of the defacto complainant and when the defacto complainant demanded money, the petitioners abused and assaulted him with beer bottle and robbed Rs.2,000/- at knife point.

3. The learned counsel appearing for the petitioners would submit that the allegations are false; that in any case considering the period of incarceration; and since further custody is not required for the purpose of investigation, they may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the 1st petitioner/A1 has two previous cases, out of which, one is of the year 2017 and the 2nd petitioner/A2 has 3 previous cases; and that they are on bail in those cases and opposed the bail petition.

5. Heard the learned counsel appearing for the petitioners and the learned



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Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. As regards the 1st petitioner/A1, considering the fact that he is on bail in other cases, the period of incarceration and his further custody is not required for the purpose of investigation and as regards the 2nd petitioner/A2, considering the fact that the nature of offences in the previous cases are minor in nature, the period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to both the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Poonamallee**, 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



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Police, everyday at 10.30 a.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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.02.2025

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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-12, Poonamallee Police Station,
Avadi District.



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3. The Superintendent,
Central Prison, Puzhal-II, Chennai.

4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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