



Crl.O.P.No.2763 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.2763 of 2025

Sambathkumar

... Petitioner/A2

Vs.

The State represented by,
The Inspector of Police,
E3-Teynampet Police Station,
Chennai.
(Crime No.12 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.12 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

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 13.01.2025, seeking bail in Crime No.12 of 2025 registered for the offence under Sections 126(2), 296(b), 309(4),



Crl.O.P.No.2763 of 2025

311 and 351(3) of BNS, 2023.

2. The case of the prosecution is that while the defacto complainant was working as a Security, on 16.12.2024 at about 8.00 hours, the petitioner/A2 along with another accused/A1 came in an inebriated condition, wrongfully restrained the defacto complainant, intimidated him and robbed Rs.300/- from his shirt pocket.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and has been falsely implicated on account of prior enmity between him, A1 and the defacto complainant; and that in any case considering the period of incarceration, he may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police *per contra* submitted that there are nine previous cases against the petitioner, of which seven cases have been either referred or disposed of and out of the two remaining cases, one was registered for the offence under Section 376 of the IPC and the other was for the offence under Section 75 of the TNCP Act.



Crl.O.P.No.2763 of 2025

WEB COPY

5. In response, the learned counsel for the petitioner would submit that the case registered for the offence under Section 376 of the IPC, was in the year 2011 and subsequently, the petitioner married the defacto complainant therein and that the other case is under the Tamil Nadu City Police Act.

6. 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.

7. Considering the nature of the allegations, the 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 **XVIII Metropolitan Magistrate, Saidapet** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



CrI.O.P.No.2763 of 2025

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;

[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

ars



CrI.O.P.No.2763 of 2025

WEB COPY

To

1. The XVIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
E3-Teynampet Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2763 of 2025

SUNDER MOHAN., J.

ars

Crl.O.P.No.2763 of 2025

05.02.2025