



Crl.O.P.No.2977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2977 of 2025

A.Akash Kumar

...Petitioner/Accused-1

Vs.

State through
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

(Crime No.12 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.12 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.L.K.Charles Alexander

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 03.01.2025, seeking bail in Crime No.12 of 2025 registered for the offence under Sections 296(b), 308(5), 351(3) of BNS, 2023 and Section 67 of Information Technology Act.

2.It is the case of the prosecution that the petitioner along with the other accused, entered into the defacto complainant's hotel and demanded Rs.50,000/- as mamool and when the defacto complainant refused the same, the accused abused the defacto complainant in filthy language and assaulted him with dire consequences and that threatened him by way of Whatsapp video call through A3 and A4. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 03.01.2025 and he is ready to abide by any stringent condition that may be imposed by this Court.



He further submitted that co-accused in this case has been released on bail.

Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the accused entered into the defacto complainant's hotel and demanded mamool and that the petitioner along with the other accused abused the defacto complainant and assaulted him with dire consequences. He further submitted that there are four previous cases against the petitioner.

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.

6.Considering that out of the four cases, one case is under Section 302 which is pending trial and all other cases are under Section 502 offences; the fact that co-accused has been granted bail and that the period



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of incarceration, 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, Kilvelur**, 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;

[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



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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.

06.02.2025

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Copy to:

- 1.The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
- 2.Sub Jail, Nagapattinam.
- 3.The Judicial Magistrate,
Kilvelur.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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