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Crl.O.P.No.3548 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3548 of 2025

Saravanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avadi Police Station.
(Crime No.541 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.541 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Raji

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 25.11.2024, seeking bail in Crime No.541 of 2024 registered for the offence under Sections 126(399 IPC), 296(294(b) IPC), 115 (321 IPC), 309(390 IPC), 311 (397 IPC), 351 (2) (506(ii) of IPC) of BNS 2023.



Crl.O.P.No.3548 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused attempted to commit dacoity. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, in any case, the petitioner is in custody from 25.11.2024 and that since further custody is not required for the purpose of investigation, he may be released on bail.

4. Learned Government Advocate (Crl.Side), per contra submitted that the petitioner is an habitual offender and there are twelve previous cases against the petitioner and in those cases, petitioner is on bail.

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.



Crl.O.P.No.3548 of 2025

6. Considering, the period of incarceration; the petitioner is on bail in other cases; and that since further custody is not required for the purpose of investigation, 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 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 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;



CrI.O.P.No.3548 of 2025

WEB COPY

[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.

13.02.2025

Sma

To

1. Judicial Magistrate No.II, Poonamallee
- 2.The Inspector of Police,
Avadi Police Station.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.3548 of 2025

SUNDER MOHAN., J.

Sma

Crl.O.P.No.3548 of 2025

13.02.2025