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Crl.O.P.No.3074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3074 of 2025

1. Ashok Kumar
2. Rajasekar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kilkodungalore Police Station,
Thiruvannamalai District.
(Crime No.203 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.203 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Sankarasubbu

For Mr.E.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 17.01.2025, seeking bail in Crime No.269 of 2023 registered for the offence under Sections 143, 294(b), 353,



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506(1) of IPC.

2. The case of the prosecution is that the petitioners along with other accused trespassed into the shop of the defacto complainant, abused the defacto complainant in filthy language, caused damages to the commercial building of the defacto complainant and also threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that, for the incident that had happened in the year 2023, petitioners are in custody from 17.01.2025 and since further custody is not required, the petitioners may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the the petitioners are habitual offenders and there are 23 previous cases against the 1st petitioner and there are 7 previous cases against the 2nd petitioner and in those cases, petitioners are on bail.



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

6. Considering the period of incarceration; petitioners are on bail in other cases and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to 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)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Vandavasi, Tiruvannamalai District.**

[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 1st petitioner shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Town Police Station for a period of two weeks and the 2nd



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petitioner shall stay at Trichy and report before the Inspector of Police, Trichy Town Police for a period of two weeks and thereafter both the petitioners shall report before the respondent 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.

[g] the petitioner shall file an affidavit before the trial Court that he will not interfere in the peaceful possession of the defacto complainant's property

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To

1. Judicial Magistrate, Vandavasi, Thiruvannamalai..
2. The Inspector of Police,
Kilkodungalore Police Station,
Thiruvannamalai District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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