



Crl.O.P.No.3231 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.3231 of 2025

Arulkumar @ Arul

...Petitioner/Accused No.4

Vs.

The State represented by,
The Inspector of Police,
Kandili Police Station,
Tirupattur District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023
pleaded to enlarge the petitioner on bail, in connection with the Crime No.631 of
2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.12.2024, seeking bail in Crime No.631 of 2024 registered for the offence under Sections 126(2), 127(2), 296(b), 115(2), 118(1), 351(3), 309(4), 140(2), 109(2) r/w 3(5) of the Bharatiya Naya Sanhita 2023.

2. The case of the prosecution is that, due to previous enmity, the petitioner, along with other accused, restrained the *de-facto* complainant and his son, assaulted them and also extorted money from them. Hence the case.

3. Learned counsel appearing for the petitioner/A4 submitted that the petitioner is an innocent person, and he has been falsely implicated in this case. He further submitted that the co-accused in this case has already been released on bail vide order dated 03.02.2025 in Crl.O.P.NO.1716 of 2025. He also submitted that the petitioner is in custody from 31.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, submitted that the injured victims have been discharged from the hospital. He further submitted that there is no previous case 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 the nature of the allegation, the period of incarceration, the fact that there is no previous case against the petitioner, the injured persons have been discharged from the hospital, the co-accused has already been released on bail, and 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, Tirupattur**, and on further conditions that:



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[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 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
(2/2)**

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To



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1. The Judicial Magistrate No.II,
Tirupattur.
2. The Inspector of Police,
Kandili Police Station,
Tirupattur District.
3. The Superintendent,
Sub Jail, Tirupattur
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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