



Crl.O.P.No.3226 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3226 of 2025

Mubarak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.393 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.393 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.07.2024, seeking bail in Crime No.393 of 2024 registered for the offence under Sections 126(2), 109 of BNS Act and Section 25(1)(a) of Arms Act, 1959.



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2. The case of the prosecution is that the defacto complainant is one of the witnesses in Crime No.779 of 2023 registered for the offence under Section 302 of IPC; that the petitioner threatened the defacto complainant not to give evidence against him and also assaulted him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the similarly placed co-accused were granted bail by this Court and in any case the petitioner is in custody from 11.07.2024; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed the fact that the co-accused were granted bail by this Court. He further submitted that, in both the case, final report has been filed.

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.



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6. Considering the nature of allegations; the fact that the co-accused was granted bail by this Court, the period of incarceration; and since further custody is not required, 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, Hosur** 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 concerned Trial Court 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;



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[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.

20.03.2025

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To

1. Judicial Magistrate No.II, Hosur.
- 2.The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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