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Crl.O.P.No.3543 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.3543 of 2025

1. Ramamoorthi
2. Tamilarasan
3. Jeeva

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mettur Police Station,
Salem District.
(Crime No.10 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.10 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Shanmugaboopathi

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 05.01.2025, seeking bail in Crime No.10 of 2025 registered for the offence under Sections 310(4) and 310(5) of BNS, 2023 (under Sections 399 and 402 of IPC).



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

3. Learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in respect of the 1st petitioner and to that effect, he had also made an endorsement in the petition. He further submitted that the 2nd & 3rd petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the 2nd & 3rd petitioners are in custody from 05.01.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the 2nd & 3rd petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, submitted that, there are two previous cases against the 2nd & 3rd petitioners.

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.



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6. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn in respect of the 1st petitioner. Considering the nature of allegation as against 2nd and 3rd petitioners, period of incarceration, and that since further custody is not required for the purpose of investigation, this Court is inclined to grant bail in respect of the 2nd & 3rd petitioners with certain conditions.

7. Accordingly, the 2nd & 3rd 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 No.I, Mettur** 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 2nd & 3rd petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the 2nd & 3rd petitioners shall not abscond either during investigation or trial;



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[d] the 2nd & 3rd 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 2nd & 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd & 3rd 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.

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To

1. Judicial Magistrate No.I, Mettur.
2. The Inspector of Police,
Mettur Police Station,
Salem 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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