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CrI.O.P.No.4772 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.4772 of 2025

Arshath Ali

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.

(Crime No.7 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.7 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Rajadurai

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



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ORDER

Though the earlier bail petition of the petitioner was dismissed on 24.01.2025 by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in CrI.O.P.No.31787 of 2024 on 04.03.2025.

2.This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.01.2025, seeking bail in Crime No.7 of 2025 registered for the offence under Sections 296(b), 324(4), 351(3) of BNS r/w Section 25(1-A) of Indian Arms Act.

3.It is the case of the prosecution that the petitioner along with the other accused went to the defacto complainant's hotel and demanded mamool; that when the defacto refused to pay the same, the accused abused the defacto complainant in filthy language, assaulted him and robbed Rs.800/- at knife point. Hence, the case.



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4.The learned counsel for the petitioner would submit that the allegations are false and in any case, considering the period of incarceration suffered by the petitioner, he may be released on bail.

5.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are ten previous previous cases pending against the petitioner and he is on bail in all the cases and investigation has been completed.

6.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.

7.Considering the nature of allegations, period of incarceration and the fact that the the petitioner is on bail in all the previous cases and investigation has been completed and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to



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grant bail to the petitioner with certain conditions.

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8. 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 **Judicial Magistrate, Sirkali**, 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 stay at **Chennai** and report before the **Flower Bazaar Police Station**, 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



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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.

05.03.2025

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Copy to:

- 1.The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.
- 2.The Judicial Magistrate, Sirkali.
- 3.Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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