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Crl.O.P.No.4904 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4904 of 2025

1.Tharun Kumar
2.Thennavan

...Petitioners/Accused

Vs.

State through
The Inspector of Police,
E-5, Sholavaram Police Station,
Redhills, Chennai – 600 067.

(Crime No.78 of 2025)

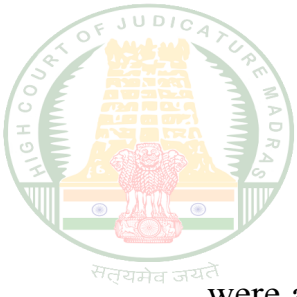
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Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.78 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Loganathan

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 03.02.2025, seeking bail in Crime No.78 of 2025 registered for the offence under Section 310(4) of BNS, 2023.

2.It is the case of the prosecution that the petitioners along with the other accused was found to make preparation to commit dacoity. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely roped in this case and further submitted that the petitioners have been in custody from 03.02.2025 and hence, further custody of the petitioners is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are five previous cases pending against the 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.Considering the period of incarceration and the fact that the petitioners are on bail in all the cases and since further custody of the petitioners is not required for the purpose of interrogation, 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 separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Ponneri**, 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 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



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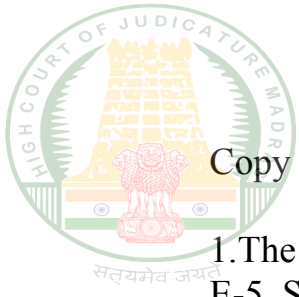
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 5890]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

24.02.2025

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Copy to:

1.The Inspector of Police,
E-5, Sholavaram Police Station,
Redhills, Chennai – 600 067.

2.The Judicial Magistrate No.II, Ponneri.

3.Sub Jail, Ponneri.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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