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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4728 of 2025

Karthi S/o. Kumaresan ... Petitioner

Vs.

The State represented by:
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.33 of 2025). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.33 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. W. Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 01.02.2025, seeking bail in Crime No.33 of 2025 registered for the offences under Sections 126(2), 127(2), 296(b), 310(2), 311 and 351(3) of BNS.

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2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and his friends, abused them in filthy language and robbed Rs.10,000/- from the defacto complainant at knife point and also threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has no previous case and in this case, he is in custody from 01.02.2025; 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) appearing for the respondent police reiterated the prosecution case and further submitted that, apart from this case, the petitioner has no other previous case.

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, period of incarceration, the fact that the petitioner has no other previous cases and that 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, Salem** 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 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

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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.

21.02.2025

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To

1. The Judicial Magistrate No.II, Salem.

2. The Inspector of Police,
Kitchipalayam 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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