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Crl.O.P.Nos.5237 & 5243 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.5237 & 5243 of 2025

Manickam

...Petitioner in
Crl.O.P.No.5237 of 2025

Sandakozhi Sathish

...Petitioner
in Crl.O.P.No.5243 of 2025

Vs.

State rep by
The Inspector of Police,
G5, Secretariat Colony,
Chennai.

...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.10 of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.E.Gopalakrishnan

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



COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 18.01.2025, seeking bail in Crime No.10 of 2025 registered for the offence under Sections 191(2), 191(3), 126(2), 296(b), 115(2), 311, 324(4), 125, 351(3) of BNS, 2023.

2.It is the case of the prosecution that the petitioners along with the other accused went to the defacto complainant's shop and had snacks and threatened him with deadly weapons and extorted Rs.870/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and co-accused has been granted bail by this Court in Crl.O.P.No.4049 of 2025 and in any case, the petitioners have been in custody from 18.01.2025 and hence, further custody of the petitioners is not required.



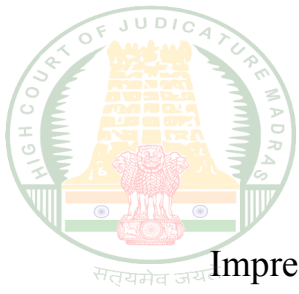
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are 15 previous cases pending against the petitioners and that the amount has not been recovered.

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.

6.Considering the period of incarceration, the fact that the co-accused have been granted bail and the petitioners are on bail in all the cases and since further custody of the petitioners is not required for the purpose of investigation, 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 **II Metropolitan Magistrate, Egmore**, and on further conditions that:



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[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 trial;

[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 5560]***;

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

26.02.2025

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- 1.The Inspector of Police,
G5, Secretariat Colony,
Chennai.
- 2.The II Metropolitan Magistrate, Egmore.
- 3.Central Prison – II, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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