



Crl. O.P. No.6372 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6372 of 2025

Sivasankar, M/A 26 years
S/o. Sembulingam

... Petitioner/Accused

Vs.

State represented by
The Station House Officer,
Neyveli Township Police Station,
Cuddalore District
(Cr. No.29 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail, in connection with the Crime No.29 of 2025, on
the file of the respondent Police.

For Petitioner : Mr. K. Gandhi Kumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 25.01.2025, seeking bail in Crime No.29 of 2025 registered for the offences punishable under Sections 126(2), 296(b), 75, 351(2) of BNS Act, 2023 r/w S.4 of the TNPWH Act, 2002 (341, 294(b), 354A, 506(ii) of IPC).

2. This is the second bail application before this Court. The earlier bail application in Crl.O.P. No.3837 of 2025 was dismissed on 14.02.2025 by Hon'ble Mr. Justice G.K. Ilanthiraiyan, and this bail petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P. No.31787/2024 on 04.03.2025.

3. The case of the prosecution is that the petitioner waylaid the victim girl aged 25 years, while she was riding her two wheeler, abused her in filthy language, threatened her and inappropriately touched her breast and thus committed the offence.



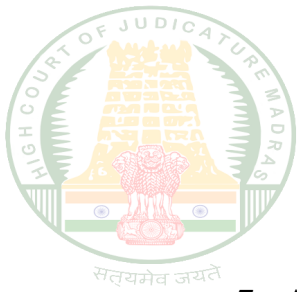
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4. The learned counsel for the petitioner submitted that all the allegations against the petitioner are false and that in any case considering the period of incarceration and the fact that the investigation has been completed and final report has been filed, sought for bail.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that there are six previous cases against the petitioner, out of which five cases are under PPDL act and is one under Arms Act, and he is on bail on all those six cases. He further submitted that the investigation has been completed and the final report has been filed.

6. The previous cases alleged against the petitioner are not similar in nature and the petitioner is on bail on those cases. Considering the aforesaid facts, the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 **District Munsif cum Judicial Magistrate, Neyveli**, 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 appear before the trial court daily at 10.30 a.m. on all working days 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 and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down



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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.

19.03.2025

bga

To

1. The District Munsif cum Judicial Magistrate, Neyveli.
2. The Station House Officer,
Neyveli Township Police Station,
Cuddalore District
(Cr. No.29 of 2025)
3. The Superintendent, Central Prison, Cuddalore
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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