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Crl.O.P.No.5229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5229 of 2025

Karthick

... Petitioner

Vs.

The state represented by
The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.
(Crime No.20 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.20 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : M/s. K. Prasath

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



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ORDER

Petition seeking bail in respect of Crime No.20 of 2025 registered for the alleged offences punishable under Sections 126(2), 296(b), 125, 309(4), 311, 351(3) of BNS (Section 341, 294(b), 336, 392, 397 and 506(ii) of IPC), is on board for consideration.

2. The case of the prosecution is that, the petitioner along with other accused waylaid the defacto complainant and demanded money at knife point, when the same was refused, they threatened the defacto complainant and robbed Rs.950/-. Hence, this case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner has been arrested and remanded to judicial custody on 25.01.2025; that the co-accused was arrested and released on bail; and that the petitioner herein is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is a history sheeter and having 27 previous cases; and that the investigation is pending, hence opposed the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the fact that the co-accused was arrested and released on bail, the petitioner is on bail in all other cases, the period of incarceration undergone by the petitioner 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 Judicial Magistrate No.1, 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 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 of B.N.S.

04.02.2025

stn

To

1. The Judicial Magistrate No.1,
Ponneri.
2. The Inspector of Police,
Ponneri Police Station,
Tiruvallur District.
3. The Superintendent,
Central Prison-II, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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