



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5285 of 2025

Santhan @ Chandan

...Petitioner/Accused 2

Vs.

State rep by
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.

(Crime No.36 of 2025)

...

Respondent

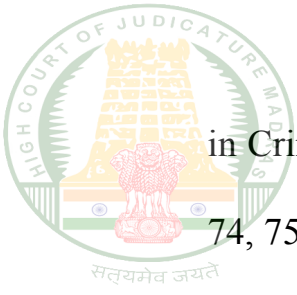
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.36 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.N.Subramani

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.02.2025, seeking bail



in Crime No.36 of 2025 registered for the offence under Sections 62, 64(1), 74, 75(2), 76 of BNS.

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2.It is the case of the prosecution that the defacto complainant went to attend her natural call near a vacant site; that the petitioner came there and closed her mouth by hands and pushed her down; that the petitioner lied on the victim girl and upon fear, the defacto complainant pushed the petitioner away and shouted, the petitioner escaped from the place. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that there is no previous case against the petitioner and he is in custody from 01.02.2025 and hence further custody of the petitioner is not required and prayed for the grant of bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner belong to Uttar Pradesh and that no previous case is pending against the petitioner.



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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.

6. Considering the nature of allegations, period of incarceration, the fact that no previous case is pending against 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:

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 (one surety must be blood relative of the petitioner)**, each for a like sum to the satisfaction of the **Judicial Magistrate, Sriperumbudur**, 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, twice a week i.e., on every Tuesday and Friday at 10.30 a.m., until further orders.



[c] the petitioner shall not abscond either during investigation or trial;

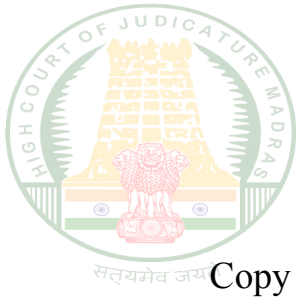
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 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.

27.02.2025

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1. The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram District.
2. The Judicial Magistrate, Sriperumbudur.
3. The Superintendent of Prison,
Central Jail, Vellore.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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