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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6221 of 2025

M.Rishikesavan ...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri, Tiruvallur – 601 204.

(Crime No.38 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.38 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Chandran

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 02.02.2025, seeking bail

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in Crime No.38 of 2025 registered for the offence under Sections 126(2), 296(b), 125, 309(4), 311, 351(3) of BNS, 2023.

2.It is the case of the prosecution that the petitioner along with the other accused had waylaid the defacto complainant, abused him in filthy language, assaulted him and snatched Rs.410/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and petitioner is in custody from 02.02.2025 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are two previous cases pending against the petitioner and he is on bail in all the cases.

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 and the fact that the petitioner is on bail in the other previous cases and since further custody of the petitioner is not required for the purpose of interrogation, 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 **Judicial Magistrate Court – I, Ponneri, Tiruvallur,** 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;

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[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.

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Copy to:

1.The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri, Tiruvallur – 601 204.

2.The Judicial Magistrate Court – I, Ponneri, Tiruvallur.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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