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Crl.O.P.No.7448 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7448 of 2025

Gobinath

...Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
Hasthampatty Police Station,
Salem City.
(Crime. No.64 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in connection with the Crime No.64 of 2025 pending on the file of the respondent police.

For Petitioner	:	Mr.R.Nalliyappan
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 14.02.2025, seeking bail in Crime No.64 of 2025 registered for the offence under Sections 296(b), 351(2) of BNS and Section 4 of TNPHW.



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2. The case of the prosecution is that due to previous enmity in respect of marriage proposal made by the petitioner to the defacto complainant; that on 14.02.2025, while the defacto complainant went to the temple in her car, the petitioner came in a two wheeler, waylaid her, abused her in filthy language and pulled her hand and threatened her of dire consequences. Hence the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that in any case, the petitioner is in custody from 14.02.2025 and hence, further custody of the petitioner is not required and he may be released on bail.

4.The learned Government Advocate (Crl. Side) reiterated the prosecution case and vehemently opposed for grant of bail to the petitioner.

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 allegation and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, 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 **Additional Mahila Court, Salem** 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 daily at 10.30 am., 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;



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[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.

14.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
Hasthampatty Police Station,
Salem City.
- 2.The Additional Mahila Judge, Salem.
- 3.Central Jail, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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