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Crl.OP.No.7958 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7958 of 2025

Moorthy

... Petitioner(s) /Accused

Vs.

State rep. by

The Inspector of Police,

Shevapet Police Station,

Salem District.

... Respondent(s)/ Complainant

Crime No.50 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya

Nyaya Sanhita, 2023, to enlarge the petitioner on bail in Crime No.50 of

2025, on the file of the respondent police.

For petitioner(s) : Mr.W.Camyles Gandhi

For Respondent(s) : 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 31.01.2025, seeking bail



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in Crime No.50 of 2025 registered for the offences under Section 296(b) of BNS, Section 4 of TNPHW Act, 2002, and Section 3(1) of TNPPDL Act, 1992.

2. The case of the prosecution is that on account of prior enmity, the petitioner threatened and abused the defacto complainant in filthy language.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that in any case, considering the period of incarceration, he may be released on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that there are nine previous cases against the petitioner and he is on bail in those cases.

5. Considering the nature of allegations and the period of



incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 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, 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



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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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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr



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- To
1. The Inspector of Police,
Shevapet Police Station,
Salem District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Additional Mahila Court, Salem
 4. The Superintendent of Prison,
Central Prison, Salem.



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SUNDER MOHAN, J.

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