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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8191 of 2025

1.Murugan

2.Babu

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Tiruttani Police Station,
Thiruvallur District.

(Crime No.1041 of 2024)
Respondent

...

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.1041 of 2024 on the file of the respondent police.

For Petitioners : Mr.V.Thirumalai

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



ORDER

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 14.02.2025, seeking bail in Crime No.1041 of 2024 registered for the offence under Section 304 of BNS, 2023.

2.It is the case of the prosecution that the petitioners had waylaid the defacto complainant and snatched 6 sovereigns of gold chain. Hence, the case.

3.The learned counsel for the petitioners would submit that the allegations are false; that the stolen article has been recovered and that in any case, considering the period of incarceration suffered by the petitioners from 14.02.2025, they may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the stolen article was recovered and that the first petitioner is having four previous cases and the second petitioner has one previous case and that they are on bail in the previous



WEB COPY 5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that the stolen article was recovered, the petitioners are on bail in the previous cases and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate Court, Tiruttani**, 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 petitioners shall report before the respondent Police,



everyday at 10.30 a.m., until further orders;

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

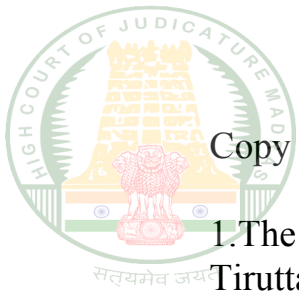
[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.03.2025

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Copy to:

1. The Inspector of Police,
Tiruttani Police Station,
Thiruvallur District.

2. The Judicial Magistrate Court, Tiruttani.

3. The Superintendent of Prison,
Central Prison – II, Puzhal.

4. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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