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Crl.O.P.No.8778 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8778 of 2025

Rathinasabapathi (Naveen @ Poochi)

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
S.H.O Annamalai Nagar Police Station,
Chidambaram.

(Crime No.203 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.203 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Aravind

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

ORDER

Though the earlier bail petition of the petitioner was dismissed on 17.10.2024 by my learned predecessor, Hon'ble Justice P.Dhanabal, this



petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

2.This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.09.2024, seeking bail in Crime No.203 of 2024 registered for the offence under Sections 126(2), 296(b), 309(4) and 351(3) of BNS, 2023.

3.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 robbed Rs.300/-. Hence, the case.

4.The learned counsel for the petitioner would submit that the allegations are false; that earlier petition was dismissed since the petitioner was detained under Tamil Nadu Act 14 of 1982 and the same was quashed by this Court on 14.03.2025; and that the petitioner is in custody from 15.09.2024 and hence further custody is not required and sought for bail.



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5.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are 15 previous cases pending against the petitioner, out of which two of them have been disposed of and he is on bail in those cases.

6.Heard the learned counsel on either side and perused the materials available on record.

7.It is seen that the earlier bail application filed by the petitioner was dismissed by this Court on 17.10.2024 by recording the submission made by the learned Government Advocate (Crl. Side) that the petitioner was detained under Tamil Nadu Act 14 of 1982. However, it is now reported that the said detention order has been quashed by this Court in HCP.No.2782 of 2024 on 14.03.2025.

8.Considering the nature of allegations, period of incarceration and the fact that the petitioner is on bail in all the previous cases 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 stringent conditions:

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9. Accordingly, the petitioner is ordered to be released on bail on their 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 No.1, Chidambaram**, and on further conditions that:

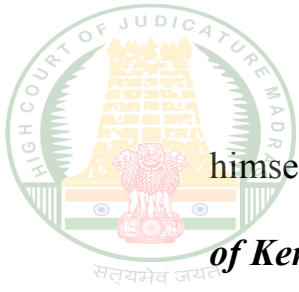
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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 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]***;

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

25.03.2025

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Copy to:

- 1.The Inspector of Police,
S.H.O Annamalainagar Police Station,
Chidambaram.
- 2.The Judicial Magistrate No.1, Chidambaram.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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