



Crl.O.P.No.8294 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8294 of 2025

Marappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No.79 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.79 of 2018, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P. Tamilavel

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 01.02.2025, seeking bail in Crime No.79 of 2018 registered for the offence under Sections 294(b), 307 of IPC, 1860 and Section 25 (1A) of Arms Act, 1959.



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2. The case of the prosecution is that there is a previous enmity between the petitioner and the defacto complainant, due to which, petitioner abused the defacto complainant in filthy language and also took his unlicensed gun and shot the defacto complainant, but the bullet did not hit the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the occurrence took place in the year 2018 and in any case the petitioner is in custody from 01.02.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner has no previous 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; the fact the occurrence took place in the year 2018; the fact that the petitioner has no bad antecedents; the period of incarceration; and since further custody is not required for the purpose of investigation, 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 learned **District Munsif Cum Judicial Magistrate, Valapadi** and on further conditions that:

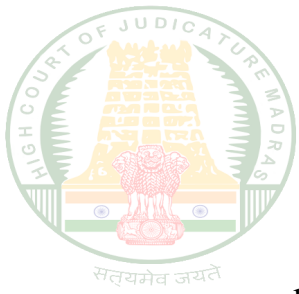
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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



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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.

20.03.2025

Sma

To

1. District Munsif Cum Judicial Magistrate, Valapadi.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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