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Crl.O.P.No.8482 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8482 of 2025

1.Kumaran (Tinker Kumaran)
2.Prasanth
3.Raja
4.Deepan
5.Gopi

...Petitioners/Accused 1 to 5

Vs.

State through
The Inspector of Police,
E2 – Royapettah Police Station,
Chennai.

(Crime No.35 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.35 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Duraivaiyapuri

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

**ORDER**

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 27.02.2025, seeking bail in Crime No.35 of 2025 registered for the offence under Sections 189, 190, 61(2) of BNS, 2023 and Section 25(1A) of Arms Act, 1959 and Section 5 of Explosive Substances Act, 1908 and Sections 9(B)(1)(b) of the Indian Explosives Act, 1884.

2.It is the case of the prosecution that the petitioners along with the other accused were found to make preparation to commit murder with deadly weapons in front of a political party leader; and that petrol bombs, patta knife, mobile phones were recovered from the place of occurrence. Hence, the case.

3.The learned counsel for the petitioners would submit the petitioners are innocent; and that the petitioners are in custody from 27.02.2025 and hence, their further custody is not required and sought for bail.



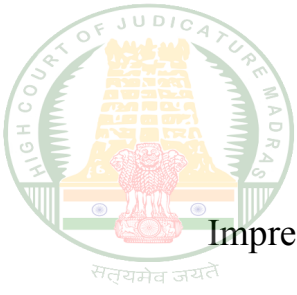
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the first petitioner has 11 previous cases, the second petitioner has 8 previous cases, the third petitioner has 3 previous cases, the fourth petitioner has 10 previous cases and the fifth petitioner has 10 previous cases pending against them and they are on bail in all those cases.

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 petitioner are on bail in the previous cases and since further custody of the petitioners is not required, 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 **XVIII Metropolitan Magistrate, Saidapet**, 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.

25.03.2025

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Copy to:

1.The Inspector of Police,
E2 – Royapettah Police Station,
Chennai.

2.The XVIII Metropolitan Magistrate, Saidapet.

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

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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