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Crl.O.P.No.9445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9445 of 2025

Mohamed Jafran

... Petitioner/A4

Vs.

The State represented by,
The Inspector of Police,
D-5, Manina Police Station,
Chennai.
(Crime No.48 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.48 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyas

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 10.02.2025, seeking bail in Crime No.48 of 2025 registered for the offence under Sections 303(2) and 319(2) of BNS.



Crl.O.P.No.9445 of 2025

WEB COPY

2. The case of the prosecution is that based on the instructions of the petitioner/A4, on the date of occurrence, A1 to A3 waylaid the defacto complainant's vehicle; that they posed themselves as Police Officers and snatched the cash bag containing 17,00,000/- from him and asked to him to collect in the police station and thus committed the offence.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that co-accused was granted bail by this Court; and in any case the petitioner is in custody from 10.02.2025; 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 major portion of the stolen amount has been recovered. He further confirmed the fact that the co-accused was granted bail by this Court.



Crl.O.P.No.9445 of 2025

WEB COPY

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.

6. Considering the nature of allegations; the fact that the major portion of the stolen amount have been recovered; the fact that the co-accused was granted bail by this Court; 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 **II Metropolitan Magistrate, Egmore, Chennai** 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



Crl.O.P.No.9445 of 2025

WEB COPY

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]***;

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

09.04.2025

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CrI.O.P.No.9445 of 2025

WEB COPY

To

1. II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
D-5, Manina Police Station,
Chennai 600 004.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9445 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.9445 of 2025

09.04.2025