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Crl.O.P.No.9788 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9788 of 2025

Jithenmahara

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime No.532 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.532 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Gopalakrishnan

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 20.12.2024, seeking bail in Crime No.532 of 2024 registered for the offence under Sections 296(b) & 103 of BNS Act.



Crl.O.P.No.9788 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused were working under the defacto complainant as a Welder; that on the date of occurrence, accused and the deceased were quarrelling with each other; petitioner along with other accused stabbed the deceased, as a result of which, deceased sustained grievous injuries and died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is in custody from 20.12.2024 and 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 hails from Nepal and if he released on bail, there is a possibility of abscondance.

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.



Crl.O.P.No.9788 of 2025

WEB COPY

6. Considering, the nature of allegation; 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. However, since the petitioner is a Nepalian national, the respondent shall inform the Registration Officer under the Registration of Foreigners Rules, 1992 about this order.

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 (out of which one shall be a blood related surety)** , each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sriperumbudur** 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;



WEB COPY



Crl.O.P.No.9788 of 2025

[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.

[h] Since the petitioner is a Nepal National, the respondent shall **communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in Frank Vitus vs. Narcotics Control Bureau and others in Crl. Appeal Nos.2814-2815 of 2024 dated 06.01.2025.**

16.04.2025

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Crl.O.P.No.9788 of 2025

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To

1. Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.9788 of 2025

SUNDER MOHAN., J.

Sma

Crl.O.P.No.9788 of 2025

16.04.2025