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Crl.O.P.No.10232 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10232 of 2025

Thirumalai

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
Vellore North (L&O) Police Station,
Vellore, Vellore District.

(Crime No.396 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.396 of 2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Vinodhkumar

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 21.08.2024, seeking bail



in Crime No.396 of 2024 registered for the offence under Sections 309(6) and 311 of BNS, 2023.

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2.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.2000/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that earlier the petitioner was detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention order was quashed by this Court by order dated 14.03.2025; that in any case, the petitioner is in custody from 21.08.2024 and hence, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the fact that the said detention order against the petitioner was quashed by this Court and that there are 34 previous cases pending against the petitioner, out of which, 17 cases have been disposed of.



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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 detention order against the petitioner was quashed by this Court by order dated 14.03.2025, the petitioner is on bail in 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 conditions:

7.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.IV, Vellore**, 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;

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[c] the petitioner shall not abscond either during investigation or trial;

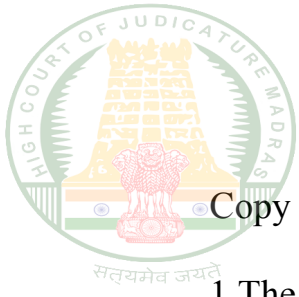
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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.

07.04.2025

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Copy to:

1.The Inspector of Police,
Vellore North (L&O) Police Station,
Vellore, Vellore District.

2.The Judicial Magistrate No.IV, Vellore.

3.Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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