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Crl.O.P.Nos.11296 & 11289 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.11296 & 11289 of 2025

Nitheshkumar

...Petitioner/Accused 1
in Crl.O.P.No.11296 of 2025

1.Dhilipkumar
2.Maheshwaran

...Petitioners/Accused 3 & 4
in Crl.O.P.No.11289 of 2025

Vs.

State rep by
The Inspector of Police,
Mettur Police Station,
Salem District.

(Crime No.142 of 2025)

...Respondent in both Crl.O.Ps.

Common Prayer: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.142 of 2025 pending investigation on the file of the respondent police.

(In both Crl.O.Ps.)

For Petitioner : Mr.Athiban Vijay A.K

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



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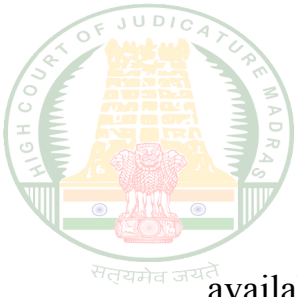
COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 19.03.2025, seeking bail in Crime No.142 of 2025 registered for the offence under Section 309(4) r/w Section 311 of BNS, 2023.

2.It is the case of the prosecution that on 19.03.2025 at about 10.00 a.m., when the defacto complainant was standing in Mettur Bus Stand, the petitioners along with the other accused had snatched Rs.1000/- and a mobile phone from the defacto complainant at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; and that in any case, the petitioners are in custody from 19.03.2025 and hence, further custody of the petitioners is not required.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that A1 has one previous case and he is on bail in that case and A3 and A4 have no bad antecedents.



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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, the period of incarceration, the fact that A1 is on bail in the previous case, A3 and A4 have no bad antecedents and since further custody of the petitioners is not required for the purpose of investigation, 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 **Judicial Magistrate, Mettur**, 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;

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trial;

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

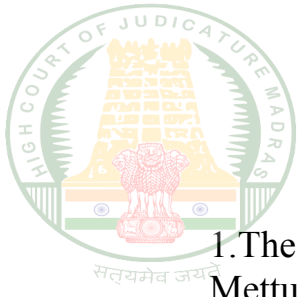
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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.

16.04.2025

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CrI.O.P.Nos.11296 & 11289 of 2020

1.The Inspector of Police,
Mettur Police Station,
Salem District.

2.The Judicial Magistrate, Mettur.

3.Sub Jail, Omalur.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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