



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10767 of 2025

Ajay Devan

...Petitioner/Accused 4

Vs.

State rep by
The Inspector of Police,
Mailam Police Station,
Tindivanam.

(Crime No.94 of 2019)

... Respondent

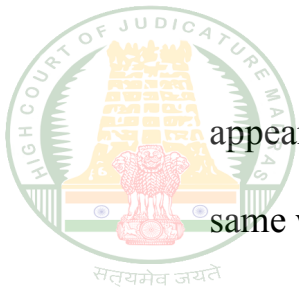
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in PRC.No.11 of 2019 on the file of the learned Judicial Magistrate No.II, Tindivanam.

For Petitioner : Mr.N.Thamizhanban

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

ORDER

The petitioner, who is facing trial for the offence under Section 397 of IPC in PRC.No.11 of 2019 on the file of the learned Judicial Magistrate No.II, Tindivanam, seeks bail. The petitioner who was on bail did not

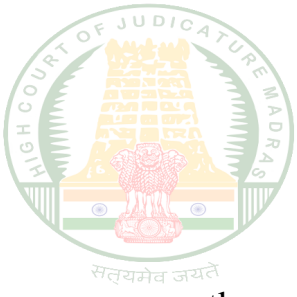


appear before the Trial Court on 29.12.2021 and NBW was issued and the same was executed on 12.03.2025.

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2.The case of the prosecution is that on 23.02.2019 at about 4.00 a.m., the petitioner along with the other accused had robbed Rs.46,000/- from the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that his absence is neither wilful nor wanton; that he was in custody in Crime No.432 of 2020 on the file of the Thiruppuvanam Police Station and produced a copy of the judgment acquitting him for the offence under Sections 506(ii), 120(b)(1), 399, 402 of IPC and Section 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, 1985 and Section 20 of Arms Act, wherein it is mentioned that he was taken into custody on 08.07.2020 and was in custody till 24.05.2023. The learned counsel for the petitioner further submitted that thereafter, the petitioner was arrested on 13.08.2024 in Crime No.763 of 2024 on the file of the Palladam, Police Station and released on bail on 15.11.2024; that he was in judicial custody in Madurai Prison in Crime No.210 of 2024 from 26.11.2024 to 28.01.2025 and hence considering the aforesaid facts and the period of incarceration, he may be released on bail.



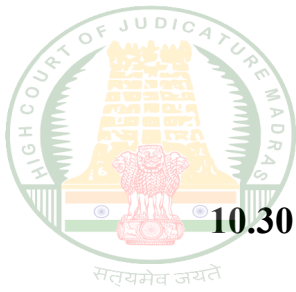
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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the aforesaid facts and that there are ten previous cases pending against the petitioner and he is on bail in those cases.

5.Considering the aforesaid facts, the period of incarceration, the fact that the petitioner was earlier granted bail, the petitioner is on bail in the previous cases, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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 **Judicial Magistrate No.II, Tindivanam**, 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 Trial Court everyday at
10.30 a.m., until further orders;

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

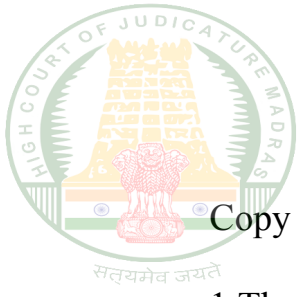
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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.

09.04.2025

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Copy to:

1.The Inspector of Police,
Mailam Police Station,
Tindivanam.

2.The Judicial Magistrate No.II, Tindivanam.

3.Sub Jail, Villupuram.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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