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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10726 of 2025

Shanmugam ...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

(Crime No.71 of 2025) ... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.71 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Iyyappa Raj

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

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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.03.2025, seeking bail in Crime No.71 of 2025 registered for the offence under Section 303(2) of BNS, 2023.

2.It is the case of the prosecution that the petitioner had committed theft of a two-wheeler belonging to the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the petitioner has no bad antecedents; that the stolen property has been recovered and that in any case, the petitioner is in custody from 03.03.2025 and hence, further custody is not required and sought for bail.

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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the stolen property has been recovered and that the petitioner has two other similar cases registered on the same day.

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 stolen property has been recovered 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 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, Komarapalayam,** and on further conditions that:

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[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;

[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,
Komarapalayam Police Station,
Namakkal District.

2.The Judicial Magistrate, Komarapalayam.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

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SUNDER MOHAN, J.

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Crl.O.P.No.10726 of 2025

09.04.2025

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