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Crl.O.P.No.11203 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.11203 of 2025

A.Kanagaraj

... Petitioner/A10

Vs.

The State represented by,
The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

(Crime No.491 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.491 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Ravi

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 12.01.2025, seeking bail in Crime No.491 of 2022 registered for the offence under Sections 120(B), 147, 148, 341, 302, 506(2) read with Section 149 of IPC, 1860.



Crl.O.P.No.11203 of 2025

WEB COPY

2. The case of the prosecution is that, due to previous enmity, accused attacked the defacto complainant's brother using knife, as a result of which, he sustained sustained grievous injuries and subsequently died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner was implicated based on the confession of the other accused; that the petitioner is in custody from 12.01.2025 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 has other previous cases and in those cases, he is on bail. He further submitted that, petitioner was implicated based on the confession of the other accused.

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.11203 of 2025

WEB COPY

6. Considering, the nature of allegation; period of incarceration; the fact that the petitioner is sought to be implicated based on the confession of the arrested accused 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.

7. Accordingly, the petitioner is ordered to be released on bail on is 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 learned **Judicial Magistrate, Tiruvottiyur** 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;



Crl.O.P.No.11203 of 2025

WEB COPY

[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.

16.04.2025

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Crl.O.P.No.11203 of 2025

WEB COPY

To

1. Judicial Magistrate, Tiruvotiyur.
2. The Inspector of Police,
M-5, Ennore Police Station,
Chennai.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.11203 of 2025

SUNDER MOHAN., J.

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CrI.O.P.No.11203 of 2025

16.04.2025