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CrI.O.P.No.11736 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.11736 of 2025

Ajay @ Pandu

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
N2- Kasimedu Police Station,
Chennai – 600 013.

(Crime No.153 of 2023)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.153 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Kamesh

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 25.03.2025, seeking bail



in Crime No.153 of 2023 registered for the offence under Sections 147, 148, 294(b), 341, 307 and 506(2) of IPC.

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2.It is the case of the prosecution that due to previous enmity, the petitioner along with the other accused had trespassed into the house of the defacto complainant, abused him in filthy language, assaulted him with hands and caused injuries. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was earlier granted bail by the lower Court in CrI.M.P.No.13288 of 2023 on 14.06.2023; that subsequently, due to non-compliance of the bail condition, the bail was cancelled in CrI.M.P.No.5963 of 2023 by order dated 16.11.2024; that the similarly placed co-accused was granted bail by this Court in CrI.O.P.No.11048 of 2025 on 15.04.2025; and that the petitioner is in custody from 25.03.2025 and hence, further custody of the petitioner is not required.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that there are 4 previous cases pending



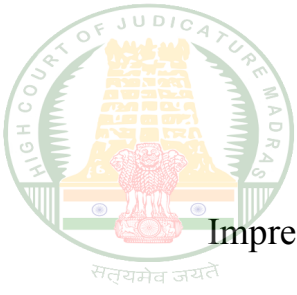
against the petitioner and he is on bail in those cases and that investigation has been completed and charge sheet has been filed.

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5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the fact that the petitioner was earlier granted bail, the period of incarceration, the fact that the investigation has been completed and charge sheet has been filed, the petitioner is on bail in the previous cases, the similarly placed co-accused was granted bail by this Court in Crl.O.P.No.11048 of 2025 on 15.04.2025, 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.

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 **XVI Metropolitan Magistrate, George Town, Chennai**, 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 Trial Court on all working days at 10.30 a.m., until further orders;

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

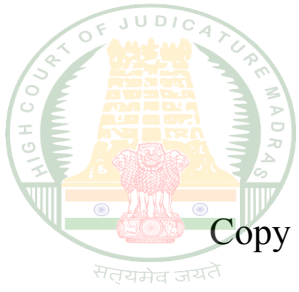
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

21.04.2025

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Copy to:

1.The Inspector of Police,
N2- Kasimedu Police Station,
Chennai – 600 013.

2.The XVI Metropolitan Magistrate, George Town, Chennai.

3.The Superintendent of Prison,
Central Prison – II, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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