



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12057 of 2025

Sudalai Kan

...Petitioner/Accused 10

Vs.

State rep by
The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.

(Crime No.27 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.27 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Kasirajan

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 16.02.2025, seeking bail



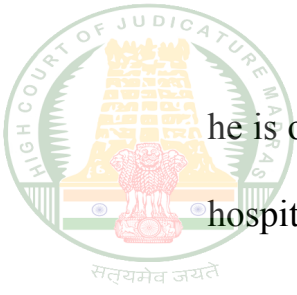
in Crime No.27 of 2025 registered for the offence under Sections 329(1), 310(2), 311, 351(3) of BNS, 2023.

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2.It is the case of the prosecution that on 09.02.2025 at about 4.30 p.m., while the defacto complainant was in his house, the petitioner along with the other accused had trespassed into the house of the defacto complainant, attacked him, threatened him of dire consequences and committed theft of 8 sovereigns of gold jewels. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the stolen article has been recovered and the injured has been discharged from the hospital; that co-accused were granted bail by this Court in CrI.O.P.Nos.6681 & 7254 of 2025 on 12.03.2025 and 13.03.2025; and that in any case, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that the stolen article has been recovered, there are two previous cases pending against the petitioner and



he is on bail in those cases and that the injured has been discharged from the hospital.

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5.Considering the nature of allegations, period of incarceration, the fact that the stolen article has been recovered, the petitioner is on bail in the previous cases, the injured has been discharged from the hospital, the similarly placed co-accused were granted bail by this Court in CrI.O.P.Nos.6681 & 7254 of 2025 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.

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, Thiruperumbudur**, 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;

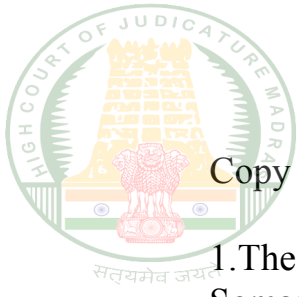
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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.

24.04.2025

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Copy to:

1.The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.

2.The Judicial Magistrate, Thiruperumbudur.

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

4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.12057 of 2



SUNDER MOHAN, J.

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Crl.O.P.No.12057 of 2025

24.04.2025