



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12837 of 2025

1.Pokkaiyan @ Gowtham
2.Mohanraj

...Petitioners/Accused 4 & 5

Vs.

State rep by
The Station House Officer,
Kitchipalayam Police Station,
Salem District.

(Crime No.83 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.83 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 10.03.2025, seeking bail



in Crime No.83 of 2025 registered for the offence under Sections 126(2), 127(2), 296(b), 310(2) r/w 311 and 351(3) of BNS, 2023.

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2.It is the case of the prosecution that on 09.03.2025, while the defacto complainant was coming near Gandhi Nagar ATM with cash of Rs.14,000/-, the petitioners along with the other accused waylaid him, abused him in filthy language, assaulted him and robbed Rs.14,000/- at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent; and that the petitioners are in custody from 10.03.2025 and hence, further custody of the petitioners is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the cash of Rs.13,000/- was recovered from the accused and that the first petitioner has 8 previous cases and the second petitioner has four previous cases and they are on bail in those cases.



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 a major part of robbed amount was recovered from the accused, the petitioners are on bail in the previous cases and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate – II, Salem**, 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 petitioners shall report before the respondent Police,
everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

25.04.2025

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Copy to:

1.The Station House Officer,
Kitchipalayam Police Station,
Salem District.

2.The Judicial Magistrate – II, Salem.

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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