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Crl. O.P. No.13243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13243 of 2025

N. Anwar Sathath S/o. Nainar Mohamed

... Petitioner/Accused-1

Vs.

The State represented by-

The Inspector of Police,
Cheyur Police Station,
Tiruppur District.
(Crime No.80 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.80 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P. Dineshkumar

For Respondent : Ms. J.R. Archana
Government Advocate (Crl.Side)

ORDER

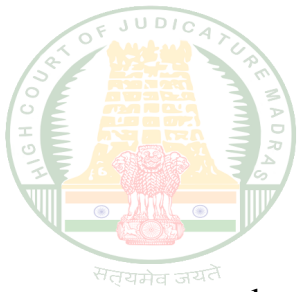
This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 31.03.2025, seeking bail in Crime No.80 of 2025 registered for the offences under Sections 61(2) and 318(4) of



2. The case of the prosecution is that the petitioner along with other accused purchased the 10,120 kgs of onion from the defacto complainant on credit basis; that the accused issued a cheque for Rs.3,30,000/- and when the same was presented for collection, it was returned with an endorsement as 'insufficient funds'. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that he has nothing to do with the alleged offences; that the co-accused were already granted bail; and that in any case, considering the period of incarceration, further custody of the petitioner is not required and prayed that the petitioner may be released on bail. He further submitted that in the bail petition, the satisfaction Court and the prison name, have been wrongly mentioned as 'Judicial Magistrate No.VI, Coimbatore' and 'Central Prison, Coimbatore' instead of 'Judicial Magistrate, Avinashi' and 'Sub Jail, Avinashi' and prayed that the same may be incorporated in the order.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing grant of bail to the petitioner, reiterated the prosecution case and on instructions, confirmed the aforesaid facts and submitted that the co-



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accused were already granted bail and the petitioner has 3 previous cases, in which, he is on bail.

5. Considering the aforesaid submissions made on either side, nature of allegations, period of incarceration, the fact that the petitioner is on bail in other previous cases and the co-accused were granted bail, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence 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 learned **Judicial Magistrate, Avinashi.**

[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 daily at 10.30 a.m., until further orders;



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[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.

28.04.2025

mjs

To

1. The Judicial Magistrate, Avinashi.
2. The Inspector of Police, Cheyur Police Station, Tiruppur District.
3. The Sub Jail, Avinashi.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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