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CrI.O.P.No.15107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15107 of 2025

Vijayakumar

... Petitioner

Versus

The State Rep by its
The Inspector of Police,
M5-Ennore Police Station,
Thiruvallur District.
(Crime No. 235 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in Crime No.235 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Silambuselvan

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 09.04.2025, seeking bail in Crime No.235 of 2025 registered for the offence under Sections 126(2), 296(b), 109, 351(3) of BNS 2023.



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The case of the prosecution is that the petitioner and the defacto complainant were in illegal relationship; that the petitioner asked the defacto complainant to come along with him and the same was refused by the defacto complainant; that the petitioner assaulted the defacto complainant with a knife. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 09.04.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI. Side) appearing for the respondent police while opposing the grant of bail, reiterated the prosecution case and submitted that the injured has been discharged from the hospital.

5. Heard both sides and perused the materials available on record.



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6. Considering the submissions made by the learned counsel on either side, the period of incarceration suffered by the petitioner, the fact that the injured has been discharged from the hospital, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thiruvottiyur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall stay at Vellore and report before the Vellore Town Police Station everyday at 10.30 a.m., for a period of 15 days;

[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police



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custody beyond the first fifteen days, he shall comply, to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

dpa/rna

Note:

1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.



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- 1.The Inspector of Police,
M5-Ennore Police Station,
Thiruvallur District.
- 2.The Judicial Magistrate, Thiruvottiyur
3. The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

dpa/rna

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