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CrI.O.P.No.15269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P. No.15269 of 2025

Jayadeshan

... Petitioner/Accused-2

Vs.

The State Rep by its
The Inspector of Police,
Uthukuli Police Station,
Trippur District.
(Crime No.576 of 2024)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in connection with the C.C.No.13 of 2025 file of District Munsif cum Judicial Magistrate, Uthukuli in Crime No.576 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

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Petition seeking bail in respect of Crime No.576 of 2024 registered for the alleged offence punishable under Section 303(2) of BNS is on board for consideration.

2. The case of the prosecution is that while the defacto complainant had gone to have a tea, the petitioner, along with the other accused, committed the theft of a Pulsar motorcycle bearing Registration No. TN 86 B 4504, belonging to the defacto complainant.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he had not committed any offence as alleged by the prosecution. He further submitted that the petitioner was inside the prison for more than 145 days.

4. The learned Government Advocate (CrI. Side) appearing for the respondent, on instruction submitted that the petitioner along with other accused committed the theft of the car belonging to the defacto complainant and the petitioner is having five previous cases. He further submitted that



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after completion of investigation, charge sheet has been filed and the case was numbered as C.C.No.13 of 2025 on the file of the District Munsif cum Judicial Magistrate, Uthukuli.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side and in view of the fact that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail with the following conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate, Uthukuli;**

(2) **The petitioner shall appear before the respondent police as and when required for interrogation;**

(3) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;



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(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

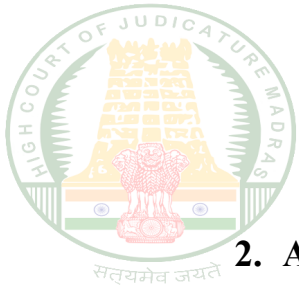
(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.05.2025

ari/stn

Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.



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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.

To

1. The District Munsif-cum-Judicial Magistrate,
Uthukuli.

2. The Inspector of Police,
Uthukuli Police Station,
Trippur District.
(Crime No.576 of 2024)

3. The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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