



Crl.O.P.No.15388 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15388 of 2025

Vinoth Kumar

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Selaiyur Police Station.
(Crime No.361 of 2022).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in PRC No.29 of 2022 on the file of the Judicial Magistrate No.II, Tambaram.

For Petitioner : Mr.S.Abdul Khadhar

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

ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 28.10.2024 in PRC No.29 of 2022 on the file of the Judicial Magistrate No.II, Tambaram, in connection with Crime No.361 of 2022 registered for the offences punishable under Sections 341 & 302 of IPC, seeks bail.



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2. The contention of the learned counsel appearing for the petitioner is that the petitioner is arrayed as A1 in the present case registered in Crime No.361 of 2022 and earlier, he was enlarged on bail in this case. Thereafter, the petitioner was detained under Act 14 on 27.09.2024, therefore, he was unable to appear in PRC No.29 of 2022 on the file of the Judicial Magistrate No.II, Tambaram, thereby, he was arrested under PT warrant on 28.10.2024. He further submitted that the detention order passed against the petitioner was set aside by this Court on 17.12.2024. He further 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.

3. Learned Government Advocate (Crl. Side) appearing for the respondent police while objecting for grant of bail to the petitioner submitted that the case has been committed to the Court of Sessions in S.C.No.70 of 2025 and the case now stands posted before the trial Court on 10.06.2025. He further submitted that four previous cases are pending against the petitioner.

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



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5. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Tambaram**, 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 report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and shall also appear before the trial Court on all hearing dates, without fail;

[c] the petitioner shall make himself 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



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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;

[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.

15.05.2025

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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 the official website of this Court will be watermarked and will also have a QR code.



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To

1. The Judicial Magistrate No.II, Tambaram.
2. The Inspector of Police,
Selaiyur Police Station.
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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