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Crl.O.P.No.15375 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.15375 of 2025

N.Basha (Alias)Karuppu Basha

... Petitioner/Accused-1

Vs.

The Inspector of Police,
K-2 Ayyanavaram Police Station,
Chennai-23.

..Respondent/Complainant

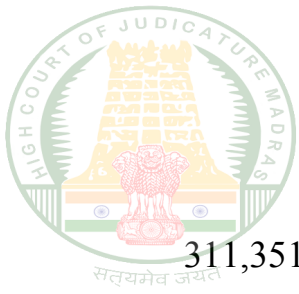
PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in Crime No.164 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Suresh

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

ORDER

Petition seeking bail in respect of Crime No.164 of 2025 registered for the alleged offences punishable under Sections 126(2), 296(b), 115(2), 125,



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311,351(3) of BNS is on board for consideration.

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2. The case of the prosecution is that the petitioner, along with two other accused, came to the shop of the defacto complainant and, after consuming biscuits and cool drinks, refused to pay for them. They also took a sum of Rs. 850/- from the cash box in the defacto complainant's shop.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he 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 from 18.04.2025.

4. The learned Government Advocate (CrI. Side) appearing for the respondent, on instruction submitted that the petitioner, along with the other accused, committed the theft of Rs. 850/- from the defacto complainant, and the case property has not yet been recovered. It was further submitted that all the accused have been arrested and that the petitioner has 8 previous cases. It was also submitted that the investigation is still in progress.

5. Taking into consideration the facts and circumstances of the case,



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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 V Metropolitan Magistrate Court, Allikulam, Chennai;**

(2) **The petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter 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;

(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



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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].

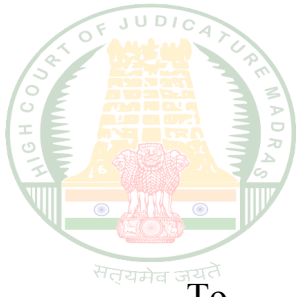
(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15.05.2025

ari/stn

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 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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To
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1. The V Metropolitan Magistrate Court
at Allikulam, Chennai.
2. The Inspector of Police,
K-2 Ayyanavaram Police Station,
Chennai-23.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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