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Crl.O.P.Nos.17282 & 17285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.17282 & 17285 of 2025

1.Nagesh
2.Boobathi

.. Petitioners/A1 & A4 in
Crl.O.P.No.17282 of 2025

1.Thirumoorthy
2.Manivasagam

.. Petitioners/A3 & A2 in
Crl.O.P.No.17285 of 2025

Vs.

State Rep. by
The Inspector of Police,
Kundadam Police Station,
Tiruppur.
(Crime No.122 of 2025)

.. Respondent in both Crl.O.Ps.

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail, pending investigation in the above Crime No.122 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.Soundar Vijay Arul Ram
in both Crl.O.Ps.

For Respondent : Mr.L.Baskaran
in both Crl.O.Ps. Government Advocate (Crl.Side)



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.05.2025, for the offences punishable under Section 303(2) of BNS, 2023 in connection with Crime No.122 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that de-facto complainant's Electric Scooter Ather 450X, which was parked in his office, was found missing. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offence. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that in this case there are totally



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four accused, who are the petitioners herein. He further submitted that A2 and A3 have got no previous cases, A4 has got two previous cases and A1 has got one previous case.

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

6. Considering the submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Dharapuram**, 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;



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[b] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

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

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

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

16.06.2025

rsi

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.

To

1.The Judicial Magistrate,
Dharapuram.

2.The Inspector of Police,
Kundadam Police Station,
Tiruppur.

3.The Superintendent,
Sub Jail, Dharapuram.

4.The Superintendent,
Central Prison, Coimbatore.

5.The Public Prosecutor,
High Court of Madras.

5/6



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M.NIRMAL KUMAR, J.

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