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Crl.O.P.No.19053 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19053 of 2025

Dharmalingam

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
North Police Station Erode,
Erode District.
(Crime No.266 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.266 of 2025

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.06.2025, for the offence punishable under Sections 326(g) of BNS,
2023 in Crime No.266 of 2025, registered on the file of the respondent, seeks
bail.



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2. The case of the prosecution is that on 19.06.2025, accused had demanded money from the defacto complainant, but the defacto complainant had refused to give money, for which, petitioner had set fire to his tea shop. Hence, the case.

3.The learned counsel appearing for the petitioner is that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that without prejudice to his defence, the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.266 of 2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall **deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.266 of 2025 and the trial Court shall deposit the same in an interest bearing account and on such deposit,** the petitioner is ordered to be released on bail on their 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 -I, Erode** 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 daily at 10.30.a.m., until further orders**

[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;



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[e] 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;

[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.

04.07.2025

sma



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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.

To

- 1.The Judicial Magistrate No.I,
Erode.
- 2.The Inspector of Police,
North Police Station Erode,
Erode District.
- 3.The Sub Jail,
Erode.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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