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Crl.O.P.No.19254 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19254 of 2025

Yogeshwaran

... Petitioner/A4

Vs.

State Rep. By
The Inspector of Police,
Kelambakkam Police Station,
Pallikaranai District.
(Crime No.163 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.163 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Agilan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.05.2025, for the offences punishable under Sections 309(6) @ 309(6),
310(2) and 311 of BNS, 2023 in connection with Crime No.163 of 2025,
registered on the file of the respondent, seeks bail.



Crl.O.P.No.19254 of 2025

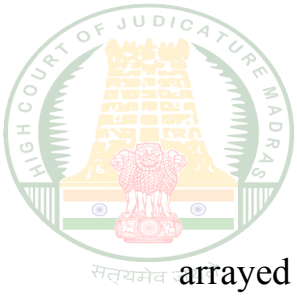
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2.The learned counsel for petitioner submitted that in the petition, Section has been wrongly typed as '310(2), 311(3) and 311 of BNS, 2023' instead of '309(6), 310(2) and 311 of BNS, 2023'. The learned counsel for petitioner is permitted to make correction in the petition with regard to Section.

3.The case of the prosecution is that the de-facto complainant is the site manager of the construction company. Some migrant workers were staying and working in the site. On the date of occurrence, the petitioner and other accused entered the site and robbed two mobile phones and money by attacking the workers and fled from the spot. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected in the alleged offence. 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.

5.The learned Government Advocate (Criminal Side) strongly opposed for granting bail to the petitioner submitting that the petitioner is



Crl.O.P.No.19254 of 2025

WEB COPY

arrayed as A4 in this case. There are totally 5 accused in this case. A2 and A5 were detained under Tamil Nadu Act 14 of 1982. He further submitted that the petitioner has got no previous cases.

6.Heard the learned counsel appearing on both sides.

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

8. 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 **District Munsif cum Judicial Magistrate, Thiruporur** 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**



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CrI.O.P.No.19254 of 2025

respondent police everyday at 10.30 a.m. until further orders;

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

[d] 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;

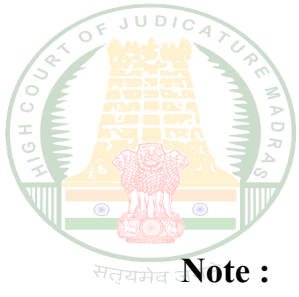
[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the

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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

07.07.2025

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Crl.O.P.No.19254 of 2025

Note :

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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 District Munsif cum Judicial Magistrate,
Thiruporur.

2.The Inspector of Police,
Kelambakkam Police Station,
Pallikaranai District.

3.The Superintendent,
Sub Jail, Chengalpattu.

4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.19254 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.19254 of 2025

07.07.2025