



Crl.O.P.No.20095 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20095 of 2025

1.S.James

2.Rahmathullah

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Kilvelur Police Station,
Nagapattinam.

Crime No.369 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.369 of 2025 on the file of the respondent.

For Petitioners : Mr.A.Arun

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.06.2025, for the offence punishable under Section 191 (2), 191 (3) and 61 (2) of the BNS, 2023 and Section 25 (1A) of the Arms Act, 1959, in Crime No.369 of 2025, registered on the file of the respondent, seek bail.



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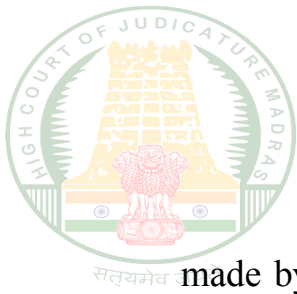
2.The case of the prosecution is that the petitioners along with other accused was found in possession of deadly weapons such as sickle and iron rods planning to murder one Krishnaraj and his brothers to wreak vengeance against the murder of one Naveen. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. The petitioners are in judicial custody from 05.06.2025 and hence, further custody of the petitioners is not required. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioners.

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

6.Considering the facts and circumstances of the case, submissions



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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 bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif Cum Judicial Magistrate, Kilvelur**, 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 petitioners shall stay at Thanjavur and report before Thanjavur Medical College Police Station daily at 10.30.a.m., for a period of thirty days; thereafter as and when required for interrogation;**

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

[d] the petitioners shall not directly or indirectly



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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, 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 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]**;

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

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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



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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,
Kilvelur.
- 2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam.
- 3.The Sub Jail,
Poompuhar
- 4.The Public Prosecutor,
High Court of Madras.
- 5.The Inspector of Police,
Thanjavur Medical College Police Station
Thanjavur.



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M.NIRMAL KUMAR, J.

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