



WEB COPY



Crl.OP.No.23870 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23870 of 2025

Hariharan

... Petitioner

-VS-

State rep by,
The Sub-Inspector of Police,
Kitchipalayam Police Station,
Salem.
(Crime No.215 of 2025)

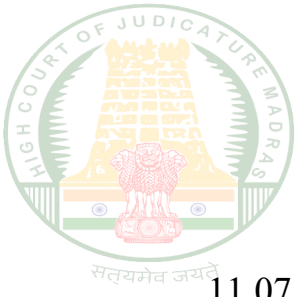
.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.215 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sankara Subbu

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

ORDER



WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 11.07.2025 for the alleged offences punishable under Sections 126(2), 127(2), 296(b), 310(2), 311 and 351(3) of BNS in Crime No.215 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 10.07.2025 at about 6.00 p.m when the defacto complainant was coming in front of house of one Sekar of SMC Colony, the petitioner and other accused waylaid the defacto complainant and demanded money from him. When the defacto complainant questioned their act, the petitioner and other accused at knife point snatched a sum of Rs.3000/- from him and assaulted him with handle of knife and caused injuries to him and also threatened him and the public with dire consequences. Further the accused threw stones and wooden logs on the public, in which 1 ½ years old baby of Raja sustained injury and also damaged the roof of Sekar's house. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that 2 previous cases pending against the



petitioner. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and also the fact that the investigation is almost completed, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees fifteen thousand only) to the credit of the Crime No.215 of 2025 and the victim is permitted to withdraw the same without prejudice to the right and contentions**, and on such deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate-II, Salem*, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may



WEB COPY



Crl.OP.No.23870 of 2022

obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on an alternative days at 10.30 a.m. for the period of three weeks;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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) AIR SCW 5560]*; and;

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



Crl.OP.No.23870 of 2025

10.09.2025

WEB COPY rna

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 learned Judicial Magistrate-II, Salem.
- 2.The Sub-Inspector of Police,
Kitchipalayam Police Station,
Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras

T.V.THAMILSELVI, J.



WEB COPY



CrI.OP.No.23870 of 2025

rna

CrI.O.P.No.23870 of 2025

10.09.2025