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Crl.O.P.No.26193 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26193 of 2025

1. Santhoshkumar
2. Ajith

... Petitioners/ A2 & A3

Vs

The State rep. by,
The Inspector of Police,
M5 Ennore Police Station,
Chennai District.
(Crime No.578 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in
Crime No.578 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Silambu Selvan

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



ORDER

WEB COPY The petitioners, who were arrested and remanded to judicial custody on 21.08.2025, for the offences punishable under Sections 126(2), 296(b), 115(2), 309(4), 311 and 351(3) of BNS (under Sections 341, 294(b), 323, 392, 397 and 506(ii) of IPC) in Crime No.578 of 2025, registered on the file respondent police, seek bail.

2. The case of the prosecution is that the petitioners waylaid the defacto complainant abused him using filthy language; that thereafter robbed a sum of Rs.2,300/- at knife point, assaulted and threatened him of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners were falsely implicated in this case and they were in judicial custody since 21.08.2025 and the petitioners are ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for

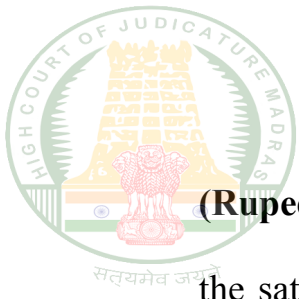


the respondent while opposing the bail to the petitioners reiterated the prosecution case and stated that there are totally three accused in this case and the petitioner herein are arrayed as A2 and A3. He further submitted that the first petitioner/ Santhoshkumar has previous cases of similar nature and the second petitioner/ Ajith has previous cases including murder and NDPS cases; and that the investigation is pending.

5. Considering the fact that the second petitioner/ Ajith have previous antecedents for the major offence under Section 302 and NDPS case, this Court is not inclined to grant bail to the second petitioner/ Ajith at the present.

6. Considering the facts, nature of allegation, previous antecedents of the first petitioner/Santhoshkumar, who had involved only in petty cases and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the first petitioner/ Santhoshkumar with certain condition.

7. Accordingly, the first petitioner/ Santhoshkumar is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/-**



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(Rupees Fifteen Thousand only) with two sureties each, for a like sum to

the satisfaction of the learned Judicial Magistrate at Thiruvottiyur and

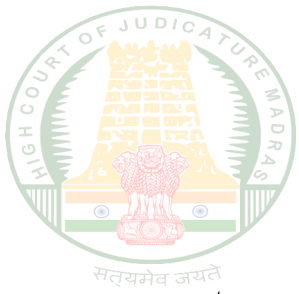
on further conditions that:

[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] 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]**;

[d] 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 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,
Thiruvottiyur.
2. The Inspector of Police,
M5 Ennore Police Station,
Chennai District.
(Crime No.578 of 2025)
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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