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Crl.O.P.No.27323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.27323 of 2025

1. Arthanari

2. Mohanraj

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Mosali Police Station,
Mosali,
Namakkal District.
(Crime No.94 of 2025)

... Respondent

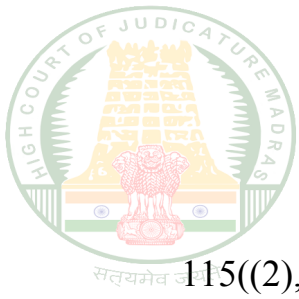
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners/Accused on bail
in Crime No.94 of 2025 pending on the file of the respondent Police.

For Petitioners : Mr.K. Murugabharathi

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 16.08.2025, for the offence punishable under Sections 127(2),



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115((2), 118(1), 308(4), 35(2) of BNS in Crime No.94 of 2025, registered on the file of the respondent, seeks bail.

2. The allegation against the petitioners is that based on the complaint lodged by one Nepal Roy, native of West Bengal, on 15.08.2025 that migrant workers from West Bengal been taken to the Mill of this petitioner and confined illegally for extorting money. He further states that Rs.60,000/- by ATM and G-Pay after obtaining the pin number was withdrawn by the abductors. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that some of the co-accused were granted anticipatory bail by this Court in Crl.O.P.No.24144 of 2025 dated 03.09.2025. Hence, he prays to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the wrongful confinement of the defacto complainant and others was on the instructions of the petitioner and he has knowledge and role in the said crime. Hence, he strongly opposed the grant of bail to the petitioners.



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

6. Considering the fact that the co-accused is already released on bail, and petitioners in custody from 16.08.2025 and the petitioners are not having any bad antecedents, 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 his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Kumarapalayam** 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 report before the respondent police daily 10.00 a.m. for 30 days, and thereafter as and when required for interrogation;

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



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[d] the petitioners shall not directly or indirectly 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 petitioners 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.

08.10.2025

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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



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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, Kumarapalayam, Namakkal.
- 2.The Inspector of Police,
Mosali Police Station,
Mosali,
Namakkal District.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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