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Crl.O.P.No.32603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32603 of 2024

Tamilarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
(Crime No.412 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.412 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Santhosh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.412 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 115(2), 125, 324(4), 309(4), 311 and 351(2) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 24.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is in no way connected with the alleged offence and that a reading of the First Information Report would also show that the present case is a foisted one and the respondent had implicated the petitioner in this case, in order to keep him under fetters. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner and two other accused had waylaid the de facto complainant, demanded money and when the same was refused by the de facto complainant, the accused had abused him in filthy language, assaulted him and extorted a sum of Rs.1000/- and a mobile phone from him at knife point and also threatened the public with dire consequences. He further submits that eight previous cases are pending against the petitioner, therefore, if he is released on bail, there is every possibility of him absconding and not available for further investigation.



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4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is 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 No.II, Alandur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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A.D.JAGADISH CHANDIRA.,J.

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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]***;

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

03.01.2025

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To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
T-15, Kannagi Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

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