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Crl.OP.No.29015 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.29015 of 2025

Gandhi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
E-5. Sholavaram Police Station,
Tiruvallur.
(Cr.No.891 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
Cr.No.891 of 2024 pending investigation on the file of the respondent
police.

For Petitioner : Mr.G.Prabhakaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
20.09.2025 for the alleged offence under Sections 191(2) and 105 of BNS ,
2023 (corresponding provision of 147 and 304(ii) of IPC in Crime No.891
of 2024 on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that on 13.09.2024 at about 08.30 a.m., the deceased lorry driver, namely Harish was driving his lorry in a very rude and rash manner and when the same was questioned by the accused and they waylaid the deceased, abused him in filthy language, pulled him from the lorry and the deceased fallen down and fainted. Thereafter, he was taken to hospital, wherein he found dead. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. Further, the petitioner is in judicial custody from 20.09.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by the this Court. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the co-accused were enlarged on bail and anticipatory bail by this Court vide order dated 25.10.2024, 21.11.2024 and 27.11.2024 in Crl.OP.Nos.26744, 29034 and 27859 of 2024 respectively. However, he opposed to grant bail to the petitioner.

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



6. Considering the facts and circumstances of the case, the submissions made by both counsel, co-accused were enlarged on bail and anticipatory bail and the period of incarceration, I am inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Ponneri** 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 at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation;**

[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



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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.

25.10.2025

Vv

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

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1. The Judicial Magistrate Court-II,
Ponneri.
2. The The Inspector of Police,
E-5. Sholavaram Police Station,
Tiruvallur.
3. The Sub Jail, Ponneri.
4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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