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Crl.OP.No.29846 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.29846 of 2025

Mukesh Mukhiya

... Petitioner

Vs.

The State of Tamilnadu rep by
The Inspector of Police
Jalakandapuram Police Station,
Salem District.
(Cr.No.251 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
S.C.No.316 of 2025 on the file of the I-Additional District Judge, Salem.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
26.08.2025, for the alleged offence punishable under Sections 309(4), 311
of BNS altered into Sections 239, 309(4) and 311 of BNS in Cr.No.251 of
2025, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that this petitioner joining hands with other accused, attacked the defacto complainant and taken away the property worth about Rs.39,000/-. Hence, the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that A1 is working under the defacto complainant and due to quarrel this petitioner joining hands with other accused attacked the defacto complainant and they have not taken any money from them. Now, it is stated that money is recovered from the other accused. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that the property involved in this case is recovered and the petitioner is not having any previous case and the investigation is also almost completed. Hence, he opposed for grant of bail to the petitioner.

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



6. Considering the fact that the petitioner is not having any bad antecedents and the property recovered and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. 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**, for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Mettur** 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 for a period of three weeks and thereafter as and when required for interrogation;



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

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner 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 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]**;

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

03.11.2025

Vv

Note :

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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-II, Mettur**
2. The Inspector of Police
Jalakandapuram Police Station,
Salem District.
3. The Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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