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Crl.O.P.No.30039 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

**THE HONOURABLE MR JUSTICE K. RAJASEKAR**

**CRL OP NO.30039 of 2025**

Moulishwaran

... Petitioner/ A2

Vs

The State rep. by,  
The Inspector of Police,  
Kitchipalayam Police Station,  
Salem.  
(Crime No.312 of 2025)

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in  
Crime No.312 of 2025 on the file of the respondent police.

**For Petitioner(s) :** Mr. S. Sengkodi

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

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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 12.10.2025 for the offences punishable under Sections 126(2), 296(b), 309(4) and 311 of BNS in Crime No.312 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.10.2025 at about 11:00p.m., the petitioner along with other accused waylaid the defacto complainant, abused the defacto complainant using filthy language and robbed a sum of Rs.4,400/- at knife point. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 12.10.2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the



prosecution case and stated that there are totally two accused involved in this case and the petitioner is arrayed as A2; that the petitioner has two previous cases, one under City Police Act and another under Section 294(b) of IPC; and that the investigation of this case is pending.

5. Considering the facts and circumstances of the case, the nature of allegation leveled against the petitioner and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 each**, for a like sum to the satisfaction of the **learned Magistrate No.II, Salem** 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;



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[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;

[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.

**05.11.2025**

stn

**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



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website of this Court will be watermarked and will also have a QR code.

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To

1. The Judicial Magistrate No.II,  
Salem.
2. The Inspector of Police,  
Kitchipalayam Police Station,  
Salem.  
(Crime No.312 of 2025)
3. The Superintendent,  
Central Prison, Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**K. RAJASEKAR, J.**

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**05.11.2025**