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Crl.O.P.No.35199



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2025

CORAM :

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

**Crl.O.P.No.35199 of 2025**

Babu Ojha @ Servesh Kumar Ojha

... Petitioner

-VS-

State Rep by,  
The Inspector of Police,  
Tiruppur South Police Station,  
Tiruppur District.  
(Crime No.652 of 2025)

... Respondent

**Prayer:-** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.652 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

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**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 28.10.2025, for the alleged offence punishable under Sections 466, 468, 471 of IPC r/w Section 25(1B)(a) of Arms Act, 1959, in Crime No.652 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the petitioner herein / A3 along with other accused were in illegal possession of gun by fabricating the records and based on the fabricated records, A1 to A3 secured employment as a Security Guard in a bank. 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 28.10.2025; and that the petitioner is ready to abide by any stringent 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 submitted that there are totally 10 accused in this case and the petitioner



is arrayed as A3; that the petitioner is hailing from Bihar; and that the investigation of this case is pending.

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5. Considering the facts and circumstances of the case, taking note of the period of incarceration undergone by the petitioner and the fabrication of records and possession of gun was for the purpose of seeking job, 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.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Tiruppur*, 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 four weeks and thereafter as and when requires for interrogation by the respondent police;



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

[d] the petitioner shall not tamper with the 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 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 B.N.S.

19.12.2025

rna

**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.

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- To**
- 1.The Judicial Magistrate No.II, Tiruppur.
  - 2.The Inspector of Police,  
Tiruppur South Police Station,  
Tiruppur District.
  - 3.The Superintendent of Prison,  
Central Prison, Coimbatore.
  - 4.The Public Prosecutor,  
High Court, Madras.



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**K. RAJASEKAR, J.**

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