

(2025) 11 MAD CK 1863

In the Madras High Court

Case No : Criminal Original Petition No. 29980 Of 2025

Sunil

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 04-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 269, 310(4)

Citation : (2025) 11 MAD CK 1863

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : D.Manojkumar, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 14.09.2025, for the offence punishable under Sections 310(4) of BNS Act in Crime No.542 of 2025, registered on the file of the respondent, seeks bail.
2. The allegation against the petitioner is that the petitioner along with other accused planned to commit dacoity. Hence, he was arrested and in custody.
3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsley implicated in this case. Hence, he prays for grant of bail to the petitioner.
4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that, apart from this case, petitioner has 7 previous cases. Hence, he opposed for grant of bail to the petitioner.
5. Considering the the nature of offence and taking into account the period of incarceration, 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 their 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, 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 daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[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.