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CRL O.P. No.18616 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.18616 of 2024

Manikandaraja S/o. Muthupandiyan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.

... Respondent

[Cr. No.283 of 2024]

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No.283 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.07.2024 for the offences punishable under Sections 309(4) and 311 of BNS Act in Crime No.283 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.07.2024, while the defacto complainant was on the way to his work, the petitioner waylaid the defacto complainant and robbed a sum of Rs.500/- at knife point. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence and the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner has waylaid the defacto complainant and robbed Rs.500/- at knife point. He would further submit that there are seven previous cases against the petitioner. Hence, he raised objection for grant of bail to the petitioner.

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

6. Considering the nature of offence charged against the petitioner and also taking into consideration the number of days of incarceration undergone by the accused and the fact that though the petitioner is having seven previous cases, in all the cases, he has been released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.5, Vellore**, and on further conditions that:



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[b] the petitioner shall report before the Town Police Station, Tiruvannamalai, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

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To

- 1.The Judicial Magistrate No.5, Vellore.
- 2.The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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