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CRL O.P. No.19327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19327 of 2024

Saleem S/o. Hussain

... Petitioner/Accused No.2

Vs

State rep. by:-

The Inspector of Police,
D4 Kuniyamuthur Police Station,
Coimbatore.
[Cr. No.239 of 2024]

... Respondent

For Petitioner : Mr. W. Camyles Gandhi
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 grant bail to the petitioner/Accused in Crime No.239 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 11.07.2024 for the offences punishable under section 304(2) B.N.S. in Crime No.239 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.07.2024, at about 6.15 p.m., when the defacto complainant was walking on the road at Sugunapuram East, Krishna College Backside, the accused snatched the gold chain from the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody for the past one month. He is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner herein is arrayed as A2. He is in judicial custody from 11.07.2024, as he snatched gold chain from the defacto



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complainant. Hence he objected to grant bail to the petitioner. The learned Government Advocate (Criminal side) further submitted that the property was recovered and there is no previous case against the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that there is no previous case against the petitioner, considering the fact that property was recovered and also taking into consideration the period of incarceration of the petitioner, I am 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.VII, Coimbatore** and on further conditions that:

[b] the petitioner shall report before the respondent Police



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daily at 10.00 A.M. for 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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index: Yes/No

Internet: Yes/No



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Speaking/Non Speaking order

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To

1. The Judicial Magistrate No.VII, Coimbatore

2.The Inspector of Police,
D4 Kuniyamuthur Police Station,
Coimbatore.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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