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CRL O.P. No.19363 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.19363 of 2024

Manikandan S/o. Jeyavelu

... Petitioner/Accused

Vs

State rep. by:-

The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
[Cr. No.91 of 2017]

... Respondent

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.91 of 2017 on the file of the respondent police.

For Petitioner : Mr. G. Nirmal Krishnan
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 25.06.2024 for the offences punishable under sections 379 and 430 of IPC in Crime No.91 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused, had illegally transported river sand. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody since 25.06.2024. The case was taken on the file of Judicial Magistrate No.V, Vellore in C.C. No.456 of 2018 and as the petitioner failed to appear before the Court on 09.02.2024, NBW was issued and he was arrested on execution of NBW on 25.06.2024. 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 case is pending before the Judicial Magistrate Court No.V, Vellore and he was already granted bail and due to his non-appearance before the Court, NBW was issued against him and he was



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arrested on execution of NBW on 25.06.2024 and the case is at the stage of examination of witnesses. If he is released on bail, he would not appear before the Court and would not co-operate for trial. Hence he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the fact that already bail was granted to the petitioner and due to his non-appearance before the Court, he was arrested on execution of NBW and the case is posted for examination of witnesses 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 learned **Judicial Magistrate No.V, Vellore District** and on further conditions that:



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[b] the petitioner shall report before the trial Court i.e., the Judicial Magistrate Court No.V, Vellore District daily at 10.00 A.M. on every Monday at 10.30 a.m. until further orders.

[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].



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

12.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

1. The Judicial Magistrate No.V, Vellore District.
2. The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

P.DHANABAL,J
mjs

3.The Superintendent,
Central Jail, Vellore.

4.The Public Prosecutor, High Court, Madras.



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