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CRL O.P. No.19359 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.19359 of 2024

Gopi S/o. Loganathan ... Petitioner/Accused
Vs

State rep. by:-

The Inspector of Police,
Karumalaikoodal Police Station,
Salem District. ... Respondent
[Cr. No.154 of 2024]

For Petitioner : Mr. M. Vijaya Ragavan
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.154 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 28.06.2024 for the offences punishable under sections 394 and 397 of IPC in Crime No.154 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.06.2024, when the defacto complainant along with his friends, was standing nearby a TASMAC shop, the petitioner along with other accused demanded money and when the defacto complainant refused for the same, the accused attacked him with a beer bottle and robbed a sum of Rs.750/- 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 more than two months. Co-accused were already arrested and released on bail. 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



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submit that the petitioner along with other accused, attacked the defacto complainant using beer bottle and robbed a sum of Rs.750/-. Hence he objected to grant bail to the petitioner. The learned Government Advocate (Criminal side) further submitted that investigation is almost completed.

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

6. Considering the rival submissions on either side, considering the fact that investigation is almost completed and the co-accused were already arrested and released on bail 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.II, Mettur, Salem District** and on further conditions that:



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[b] the petitioner shall report before the Dharmapuri Police

Station daily at 10.00 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].

[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
Speaking/Non Speaking order
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To

1. The Judicial Magistrate No.II, Mettur, Salem District
2. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem..
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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