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CRL O.P. No.19550 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19550 of 2024

Elangovan

... Petitioner / Accused-6

Vs

State rep. by:-

The Inspector of Police,
Manimangalam Police Station,
Tambaram Police District,
Kancheepuram District.

... Respondent

[Cr. No.183 of 2024]

For Petitioner : Mr.M.Kavikannan

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.183 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused-6, who was arrested and remanded to judicial custody on 14.07.2024 for the offences punishable under Section 392 @ 395 of IPC in Crime No.183 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the ready made shop. On 25.05.2024, the petitioner along with other accused went to the shop and purchased dresses. When the shop employees demanded money for the purchase, the accused persons refused to pay money and by showing knife, escaped from there. 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 co-accused in this case was released on bail and the petitioner has been in custody since 14.07.2024. 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 along other accused went to the ready made shop of the defacto complainant and purchased dresses and refused to pay money. When the owner of the shop demanded money for the purchase, the accused, by showing knife, threatened the owner and escaped from the scene of occurrence. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the fact that the co-accused was already released on bail and also there are no previous cases pending against the petitioner and taking into consideration the number of days of incarceration undergone by the accused, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Sriperumpudur**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday 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].

[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, Sriperumpudur.
- 2.The Inspector of Police,
Manimangalam Police Station,
Tambaram Police District,
Kancheepuram District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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