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CRL O.P. No.19559 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.19559 of 2024**

1.Arulkumar

2.Ranjithkumar

... Petitioners / Accused-2 & 3

Vs

**State rep. by:-**

The Inspector of Police,  
Karumalaikoodal Police Station,  
Salem District.

... Respondent

[Cr. No.154 of 2024]

For Petitioners : 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 enlarge the petitioners on bail in Crime No.154 of 2024 on the file of the respondent police.



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**ORDER**

The petitioners who were arrested and remanded to judicial custody on 28.06.2024 for the offences punishable under Sections 394 & 397 of IPC in Crime No.154 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 27.06.2024, when the defacto complainant and his friends were standing nearby a TASMACH shop, the petitioners along with other accused demanded money and when the defacto complainant refused for the same, the accused attacked the defacto complainant with beer bottle and robbed a sum of Rs.750/- from the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners were in judicial custody more than two months. He would further submit that co-accused was already released on bail by this Court. Hence, he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners along with other accused have waylaid the defacto complainant and robbed a sum of Rs.750/- at knife point. He would further submit that A1 was granted bail by this Court by order dated 12.08.2024. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering the representation made on either side, considering the fact that co-accused was already released on bail by this Court and taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.**

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.II, Mettur, Salem District.
- 2.The Inspector of Police,  
Karumalaikoodal Police Station,  
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J**  
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