



Crl.O.P.No.19751 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.19751 of 2024

1.Sulthan

2.Madhar @ Salman

...Petitioners/Accused - 1 and 3

Vs.

The State Represented by
Inspector of Police,
Vellore South Police Station,
Vellore District.
[Crime No.332 of 2024]

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in Crime No.332 of 2024 on the file of respondent police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER



Crl.O.P.No.19751 of 2024

WEB COPY

The petitioners/A1 and A3, who were arrested and remanded to judicial custody on 04.08.2024 for the offences under Sections 296(b), 309(4) and 311 of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.332 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/A1 and A3 have waylaid the defacto complainant, abused him with filthy language, and robbed a sum of Rs.500/- at knife point. Hence, the case.

3. Learned counsel for the petitioners/A1 and A3 submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are the only earning persons in their family; that they have been in custody since 04.08.2024; that they are law-abiding citizens and that they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) objected to granting



CrI.O.P.No.19751 of 2024

bail to the petitioners by stating that the petitioners/A1 and A3, had abused the defacto complainant in filthy language and robbed a sum of Rs.500/- at knife point. He further submitted that there are three accused in this case, the petitioners are arrayed as A1 and A3; that A2 was also arrested; and that there is one previous case against the petitioners.

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

6. Considering the submissions made on both sides, the nature of offence, the amount involved in this case, the arrest of the second accused, the fact that though the petitioners had one previous case, in that case, they were released on bail, and also taking into consideration the period of incarceration undergone by the petitioners/A1 and A3, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a 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 learned *Judicial Magistrate - I, Vellore*, and on further conditions that:



CrI.O.P.No.19751 of 2024

[a] the petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders.

[b] the petitioners shall not abscond either during investigation or trial;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.08.2024

dk

To

1.The Judicial Magistrate - I,
Vellore.

2.The Superintendent of Prison,
Vellore Central Prison,



Crl.O.P.No.19751 of 2024

Thorapadi.
WEB COPY

3.The Inspector of Police
Vellore South Police Station,
Vellore District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dk



WEB COPY



Crl.O.P.No.19751 of 2024

Crl.O.P.No.19751 of 2024

20.08.2024