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CrI.O.P.No.21461 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21461 of 2024

Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ammamet Police Station,
Salem District.
(Crime No. 759 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 759 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.06.2024, for the alleged offence punishable under Sections 120(B), 395
r/w 397 of IPC, in Crime No.759 of 2024, on the file of the respondent



CrI.O.P.No.21461 of 2024

police, seeks bail.

2. The case of the prosecution is that on 14.06.2024, the defacto complainant was working as a branch operation manager at IDFC First Bharat Bank in Ammapet Town Branch. It is further alleged that on the same day, when he was carrying a sum of Rs.12,09,100/- in a collection bag to deposit the said amount at Karur Vysya Bank, the petitioners/A1, A3 and A4 along with other accused waylaid him and snatched the said amount from him at knife point. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 80 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



Crl.O.P.No.21461 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant is a branch operation manager at IDFC First Bharat Bank in Ammapet Town Branch. He further submits that on the date of the alleged occurrence, when he was carrying a sum of Rs.12,09,100/- in a collection bag to deposit the said amount at Karur Vysya Bank, at that time, the petitioner along with other accused persons joined together and committed dacoity. He further submit that the respondent police had secured only Rs.5,00,000/- from said amount. He further submit that the petitioner has no previous case, pending against him and the investigation was also completed. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, and also considering the period of incarceration undergone by the petitioner, and the part of the amount was recovered, and the petitioner has no previous cases pending against him, and the investigation was also completed and also considering



CrI.O.P.No.21461 of 2024

all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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.5, Salem, and on further conditions that:-

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

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



CrI.O.P.No.21461 of 2024

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]; and

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

13.09.2024

drl

To

- 1.The Judicial Magistrate No.5,
Salem.
- 2.The Inspector of Police,
Ammamet Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.21461 of 2024

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Crl.O.P.No.21461 of 2024

13.09.2024
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