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Crl. O.P. No.20208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2024

CORAM :

THE HON'BLE MR JUSTICE P.DHANABAL

CRL.OP.No.20208 of 2024

Yasin

... Petitioner

Vs

State rep by
Inspector of Police
Sathuvachari Police Station
Vellore District
(Cr.No.314 of 2024)

... Respondent

PRAYER :- This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail pending investigation in cr.No.314 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Vinoth Kumar, GA (Crl.side)

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 30.07.2024 for the offence under sections 309(4) and 311 of BNS in Crime No.314 of 2024 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the petitioner threatened the defacto complainant with knife point and robbed a sum of Rs.500/- and also demanded mamool.

3.The learned counsel appearing for the petitioner would contend that the respondent police registered a case against the petitioner in Cr.No.314 of 2023 for the offences punishable under sections 309(4) and 311 of BNS. The alleged occurrence took place on 30.07.2024, the petitioner was arrested on the same day. He has not committed any offence as alleged in FIR. He is in custody for more than 24 day. Hence, he prayed bail for the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would contend that investigation in this case is at initial stage and offences are grave in nature. The petitioner threatened the defacto complainant with knife point and robbed a sum of Rs.500/- and also demanded rowdy mamool from him. If the petitioner released on bail, it will affect the investigation and thereby, he strongly opposed to grant bail to the petitioner.

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



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including the First Information Report.

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6. Considering the rival submissions on either side and considering the fact that the nature of offence and the coaccused was released on bail and the amount involved in this case and also considering the period of incarceration, 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 learned Judicial Magistrate No.V, Vellore and on further conditions that:

[b] the petitioner shall report before respondent police daily at 10.00 A.M., until further orders.

[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 them from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of the Court;

[e] the petitioner shall not commit any offences of similar nature.



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[f] the petitioner shall not abscond either during investigation or trial.

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[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
tsh

To
1.The Judicial Magistrate No.V, Vellore.
2.The Superintendent,
Central Prison, Vellore
3.The Principal Session Judge, Vellore.
4.The Public Prosecutor,
Madras High Court, Chennai.



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P.DHANABAL, J

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