



Crl.O.P.No.20060 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.20060 of 2024

Mithulan

...Petitioner/Rank Not Known

Vs.

State Rep by,
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
(Crime No.891 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.891 of 2023 on the file of respondent police.

For Petitioner : Mr.P.Sureshkumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.06.2024 for the offences under Sections 394 and 397 of the IPC in Crime No.891 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused have waylaid the defacto complainant, abused him with filthy language, threatened him with dire consequences, and snatched the Vivo cell phone and Pulsar bike bearing Reg.No.TN-32-D-3823 at knife point. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the co-accused in this case had already been granted bail; that the petitioner has been in custody since 26.06.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent opposed granting bail to the petitioner by stating that the petitioner had snatched the Vivo cell phone and Pulsar bike bearing Reg.No.TN-32-D-3823 at knife point from the defacto complainant. He further submitted that there are four accused in this case, the petitioner is arrayed as A4; that there are three previous cases pending against the petitioner; that the co-accused in this case was released on bail; and that the investigation has been completed.

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

6. Considering the submissions made on both sides, the fact that the co-accused has been granted bail, the completion of the investigation and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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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 learned ***Judicial Magistrate - II***, and on further conditions that :

- [a]the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight (8) weeks and thereafter, as and when required for the interrogation;**
- [b]the petitioner shall not abscond either during investigation or trial;**
- [c]the petitioner 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 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];**
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.**

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To

- 1.The Judicial Magistrate - II,
Villupuram.
- 2.District Jail
Villupuram.
- 3.The Inspector of Police,
Valavanur Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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