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CRL O.P. No.20161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20161 of 2024

Jagadesh Kumar

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

... Respondent

[Cr. No.84 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.84 of 2024, on the file of the respondent.

For Petitioner : Mr.S.Silambuselvan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.03.2024 for the offences punishable under Sections 147, 341, 365, 342, 395 and 506(i) @ 120(B), 147, 341, 365, 342, 395 and 506(i) of IPC, in Crime No.84 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that 21.10.2023, the petitioner along with the other accused waylaid the defacto complainant and robbed 8.5 sovereigns of gold jewels, mobile phone, car and cash of Rs.4,00,000/-, totally worth about Rs.8,00,000/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence and due to previous enmity with regard to real estate business, a false complaint has been lodged. He would also submit that the petitioner has been in judicial custody for more than 160 days and co-accused in this case has been released on bail. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, waylaid the defacto complainant and robbed 8.5 sovereigns of gold, cash of Rs.4,00,000/-, mobile phone worth about Rs.8,00,000/-. He would further submit that there are six previous cases as against the petitioner similar in nature. He would further submit that insofar as three sovereigns of gold and cash of Rs.2,00,000/- were recovered. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsel and considering that there was a dispute between the petitioner and the defacto complainant in respect of the real estate business and also considering that already co-accused was also released on bail and the properties were also recovered in part and taking into consideration that the petitioner is in judicial custody for more than 160 days and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 **Judicial Magistrate, Kangayam**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on every working day at 10.30 a.m., until further orders;

[c] 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;

[d] 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;

[e] the Petitioner shall not abscond 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 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

[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, Kangayam.
- 2.The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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