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Crl.O.P.No.20266 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

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

Crl.O.P.No.20266 of 2024

Srilakshmi Narayanan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Kitchipalayam Police Station,  
Salem District,  
(Crime No. 369 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. 369 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 28.07.2024, for the alleged offence punishable under Sections 127(3),



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296(b), 309(6) & 311 of BNS, in Crime No.369 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.07.2024, at around 11.00 p.m, when the defacto complainant was going on a two wheeler to see his father-in-law, at that time, the petitioner along with other accused persons waylaid the defacto complainant and attacked him with hands and foot, and thereby robbed his vehicle and escaped from the place. 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 co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of incident, when the defacto complainant was going to see his father-in-law on a two wheeler, at that time, the petitioner along with other accused persons waylaid the defacto complainant and attacked him with hands and feet, causing injuries and also robbed his vehicle. He further submitted that the property was recovered from the petitioner. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioner has no previous cases, pending against him. However, 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 submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and considering that the petitioner has no previous cases pending against him, co-accused was also released on bail, injured discharged from the hospital and also taking into the fact that the property was recovered from the



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petitioner, and also considering 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.II, Salem, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

**22.08.2024**

drl

To

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

**P.DHANABAL, J.**



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