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CRL O.P. No.20337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20337 of 2024

Johnson

... Petitioner / Accused-1

Vs

State rep. by:-

The Inspector of Police,
D4, Kuniyamuthur Police Station,
Coimbatore District.

... Respondent

[Cr. No.239 of 2024]

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 239 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under Sections 304(2) of BNSS, in Crime No.239 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 11.07.2024 at about 6.15 p.m., when the defacto complainant walking near Sugunapuram East, Krishna College backside, the petitioner along with the other accused snatched the gold chain from the defacto complainant. 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 the property has been recovered and co-accused has been released on bail by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused have



committed the theft of gold chain from the defacto complainant. He would further submit that there are seven previous cases against the petitioner and the property has been recovered and A2 has been released on bail by this Court by order dated 12.08.2024. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the fact that the property was recovered and A2 was released on bail by this Court and considering the period of incarceration undergone by the petitioner and that though the petitioner has some previous cases, he was granted bail in all the cases, this Court is 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 **Judicial Magistrate No.VII, Coimbatore**, and on further conditions that:

[b] the Petitioner shall report before the Sathyamangalam Police Station, Erode, everyday at 10.30 a.m., until further orders.



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[c] the Petitioner shall not commit any offences of similar nature.

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

[e] the Petitioner shall not tamper with evidence or witness 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].

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

22.08.2024

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To

1.The Judicial Magistrate No.VII, Coimbatore.

2.The Inspector of Police,
D4, Kuniyamuthur Police Station,
Coimbatore District.

3.Central Prison, Coimbatore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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