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CRL O.P. No.20549 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.20549 of 2024

Muthappan

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore City District.

... Respondent

[Cr. No.72 of 2024]

For Petitioner : Mr.Deepanuday

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. 72 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 27.07.2024 for the offences punishable under Sections 379 & 413 of IPC, in Crime No.72 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution on 30.04.2024, while the defacto complainant travelling in a bus, the petitioner along with the other accused snatched 3 sovereigns of 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 that the petitioner's name is also not found in the FIR and the property was also recovered. He would further submit that there is no previous case against the petitioner and the petitioner is ready to abide by any condition that may be imposed 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, snatched 3 sovereigns of gold chain from the defacto complainant. He would further submit that the property was recovered and the petitioner has no previous cases against him. However, 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 that the name of the petitioner does not find place in the FIR and taking into consideration that the property has been recovered and the number of days of incarceration undergone by the petitioner and that there is no previous case pending against the petitioner and all other aspects, 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 – 5, Coimbatore**, and on further conditions that:



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[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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.

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To

- 1.The Judicial Magistrate – 5, Coimbatore.
- 2.The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore City District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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