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CRL O.P. No.20608 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.20608 of 2024

1.Aravindhan
2.Venkatesan
3.Ramakrishnan

... Petitioners / Accused 1 to 3

Vs

State rep. by
The Inspector of Police,
S.H.O. Neyveli Township Police Station,
Cuddalore District.

... Respondent

[Cr. No.194 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.194 of 2024, on the file of the respondent.

For Petitioners : Mr.S.Amarnath

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 21.06.2024 for the offences punishable under Sections 392 and 397 of IPC, in Crime No.194 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.06.2024, while the defacto complainant was travelling near Bharthidasan Road in her vehicle, the petitioners waylaid the defacto complainant and snatched five sovereigns of gold jewels at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have nothing to do with the alleged offence and the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He would also submit that the property was also recovered and the petitioners have been in custody for more than 70 days. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that while the defacto complainant was returning to her home, the petitioners waylaid her and snatched five sovereigns of gold jewels at knife point. He would further submit that property has been recovered and there is one previous case against the petitioners. 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 considering that the property was already recovered and the number of days of incarceration undergone by the accused and all other aspects, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District**, and on further conditions that;



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[b] the Petitioners shall report before the respondent police, everyday at 10.00 a.m., until further orders;

[c] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 District Munsif cum Judicial Magistrate, Neyveli, Cuddalore.
- 2.The Inspector of Police,
S.H.O. Neyveli Township Police Station,
Cuddalore District.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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