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Crl.O.P.No.20666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

Crl.O.P.No.20666 of 2024

Raja @ Kagithapattari Raja

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Vellore North Police Station,
Vellore, Tamilnadu.
(Crime No. 352 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. 352 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.P.Sundararajan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.07.2024, for the alleged offence punishable under Sections 309(4) and



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311 of BNS Act, in Crime No.352 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.07.2024, at about 10.00 p.m, while the defacto complainant was engaged in the tiffin business, at that time, the petitioner demanded mamool from the defacto complainant. When the demand was refused, the petitioner took a sum of Rs.1,000/- from the defacto complainant's packet. 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 would further submit that the petitioner was arrested and is in judicial custody for more than 45 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant and his wife were doing tiffin business. On the date of the alleged occurrence, the petitioner



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demanded mamool from the defacto complainant, when he refused, the petitioner took away Rs.1,000/- from his packet. He further submit that the petitioner has 14 previous cases, similar in nature, 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 the nature of offence and the money involved in this case, and the petitioner has 14 previous cases, in some cases he has been acquitted, and in all other cases, he has been released on bail 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



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Magistrate No.IV, Vellore, and on further conditions that:-

[a] the petitioner shall report before the Krishnagiri Town Police Station, everyday at 10.30 a.m., until further orders.

[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 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.

29.08.2024

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To

- 1.The Judicial Magistrate No.IV,
Vellore.
2. The Sub Inspector of Police,
Vellore North Police Station,
Vellore, Tamilnadu.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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