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CrI.O.P.No.20843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.20843 of 2024

Saravanakumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Tiruppur South Police Station
Tiruppur District
(Crime No.336 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail pending trial in C.C.No.266/2024 on the file of the Judicial Magistrate No.II, Tiruppur at Tiruppur.

For Petitioner : Mr.S.Parameswaran

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 21.06.2024, seeks bail in C.C.No.266 of 2024 in Crime No.336 of 2024 on the file of the Judicial Magistrate No.II, Tiruppur, Tiruppur District, for the offences under Sections 392 and 34 of the IPC.

2. The case of the prosecution is that the petitioner along with other accused on 30.05.2024, had snatched 3 sovereign gold chain from the defacto complainant's neck while the defacto complainant was returning from her work near Kurinji Nagar and fled from the scene by bike. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the



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petitioner along with the other accused had snatched her chain while she was returning from her duty near Kurinji Nagar and fled from the scene. He also submitted the property is recovered. He further submitted that the charge sheet is filed and the case is taken on file by the learned Judicial Magistrate No.II, Tiruppur and posted for examination of further witnesses, however, vehemently objected to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, and taking into consideration the period of incarceration undergone by the petitioner and also that the property is recovered, charge sheet is filed and the case is taken on file by the learned Judicial Magistrate II, Tiruppur and posted for examination of witnesses and considering the other aspects, this Court is inclined to grant bail to the petitioner with 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 court



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of **Judicial Magistrate No.II, Tiruppur**, and on further conditions that:

[a] the petitioner shall report before the Trial Court daily at 10.30 a.m. until further orders;

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] on breach of any of the aforesaid conditions, the learned 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

28.08.2024

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To

1.The Judicial Magistrate No.II
Tiruppur



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2.District Prison, Tiruppur

3.The Inspector of Police,
Tiruppur South Police Station
Tiruppur District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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