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CrI.O.P.No.21027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

CrI.O.P.No.21027 of 2024

Subramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No. 699 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. 699 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.P.Kalimuthu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 21.07.2024, for the alleged offence punishable under Sections 331(4), 62
of BNS and 3(1) of Prevention of Damage to Public Property Act, 1984 in



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Crime No.699 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution as per the defacto complainant is that he is a manager at Tamil Nadu Mercantile Bank, Palladam Branch. He receives an alarm on his mobile phone, when the bank or ATM attached to his branch is broken. On 21.07.2024, at about 1.15 a.m, the security alarm of the ATM rang on his mobile phone, for that, he went to TMB Bank, and found the main door lock broken and the ATM damaged, but no cash was stolen from the ATM. The value of the lock and door of the broken ATM is about Rs.20,000/-. 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 35 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



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respondent police submitted that on the date of the alleged occurrence, the petitioner allegedly broke open the ATM in order to commit theft. He damaged the lock and door of this broken ATM worth about Rs.20,000/-. He further submitted that the petitioner has no previous case pending against him. Hence, 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 nature of offence and considering the period of incarceration undergone by the petitioner, and also considering that the petitioner has no previous case, pending against him 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)



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with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Palladam, and on further conditions that:-

[a] the petitioner shall report before the respondent police 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

drl



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To
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- 1.The Judicial Magistrate Court,
Palladam.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur.
- 3.The Superintendent,
Sub Jail, Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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