



Crl.O.P.No.21001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

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Manikandan @ Workshop Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore.
(Crime No. 373 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Crime No.373 of 2024, pending on
the file of the respondent police.

For Petitioner : Mr.Nagendra Prasath

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.07.2024, for the alleged offence punishable under Sections 296(b),



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309(4), 311 and 351(3) of BNS Act, in Crime No.373 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.07.2024, at about 5.00 p.m, when the defacto complainant and his brother were traveling in a two wheeler. At that time, the petitioner intercepted the vehicle and demanded money, when they refused, he took Rs.1,250/- from him at knife point and also took away their two wheeler. 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 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 on the date of the alleged occurrence, the petitioner intercepted the defacto complainant's two wheeler and robbed a



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sum of Rs.1,250/- from him at knife point and also took away the defacto complainant's two wheeler. He further submit that the property was recovered from the petitioner. He further submit that the petitioner has 17 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 nature of offence, and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the property was recovered and the money involved in this case, and also considering that though the petitioner has 17 previous cases, in some of the 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)



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with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Coimbatore, and on further conditions that:-

[a] the petitioner shall report before the respondent police on the first day of every English Calendar month at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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drl

To

- 1.The Judicial Magistrate No.2,
Coimbatore.
- 2.The Inspector of Police,
Saravanampatti Police Station,
Coimbatore.
- 3.The Superintendent,
Central Prison, Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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