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Crl.O.P.No.21194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21194 of 2024

A.Munna

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No. 347 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. 347 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.Deepan Uday

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.06.2024, for the alleged offences punishable under Section 379 of IPC,
in Crime No.347 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 31.05.2024 at about 11.30 a.m, when the defacto complainant was travelling on a bus from Salem to Avinashi, at that time, the petitioner had stolen 18 sovereigns of jewels from the defacto complainant's bag. 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 80 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 alleged to have committed theft of over 18 sovereigns of jewels from the defacto complainant's bag when she was travelling in a bus from Salem to Avinashi. He further submitted that the property was recovered from the petitioner. He further submitted that the petitioner has no previous



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cases, 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 made by the learned counsel on either side, nature of offence, and considering the period of incarceration undergone by the petitioner, and considering that the property was recovered, and also considering the fact that the petitioner has no previous cases, 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 Magistrate, Avinashi, Tiruppur District, and on further conditions that:-



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[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of 30 days 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].

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

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To

- 1.The Judicial Magistrate, Avinashi,
Tiruppur District.
- 2.The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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