



Crl.O.P.No.21369 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21369 of 2024

Musthaba

...Petitioner/Accused-1

Vs.

The State rep by its
The Inspector of Police,
Salem Town Police Station,
Salem City.

(Crime No.1244 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.1244 of 2019 on the file of respondent police.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner seeks bail in P.R.C.No.77 of 2020 in Crime No.1244 of 2019 on the file of the Judicial Magistrate No.1, Salem, for the offences under Sections 341, 392, 397 and 506(II) of IPC. The petitioner has been remanded to judicial custody on 18.07.2024 on execution of NBW issued against him on 19.01.2023.

2.The case of the prosecution is that on 17.10.2019, while the defacto complainant walking through Salem Town, the petitioner along with the other accused waylaid the defacto complainant, threatened him and snatched his gold chain. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that investigation has been completed and final report has also been filed. He also submitted that due to health issues, the petitioner could not appear before the Trial Court, as a result of non appearance, NBW was issued. Hence, he prays for grant of bail to the petitioner.



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4.Learned Government Advocate submitted that the petitioner along with other accused waylaid the defacto complainant and abused him in filthy language and snatched his gold chain. He further submitted that NBW was issued against the petitioner on 19.01.2023 and the petitioner was secured only on 18.07.2024. He also submitted that investigation has been completed and final report has also been filed. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the fact that already bail was granted to the petitioner and due to his non appearance before the Trial Court, NBW was issued and the same has also been executed and considering that the petitioner is now in custody for more than 45 days and that the main case is now posted for examination of witnesses, this Court is inclined to grant bail to the petitioner with certain conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 No.1, Salem**, and on further conditions that;



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[b] the Petitioner shall report before the Trial Court on every working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

1.The Judicial Magistrate No.1, Salem.



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2. Central Prison, Salem.

3. The Inspector of Police,
Salem Town Police Station,
Salem City.

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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