



CRL O.P. No.21318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21318 of 2024

1.Ajithkumar
2.Kumaresan
3.Dheenathayalan

... Petitioners / Accused 2 - 4

Vs

State rep. by
The Inspector of Police,
Perambalur Police Station,
Perambalur District.

(Crime No.634 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.634 of 2024, on the file of the respondent.

For Petitioners : Mr.M.Vijaya Raghavan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.08.2024 for the offences punishable under Section 310(4) of BNS, 2023, in Crime No.634 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners were made preparation to commit dacoity, when the respondent police came to the scene of occurrence, they escaped. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in custody for more than 20 days and there is no previous case as against the 1st petitioner. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners were found in committing preparation



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of dacoity. He would further submit that there is one previous case against the petitioner 2 and 3 and there is no previous case pending as against the 1st petitioner. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and that there is no previous case pending as against the 1st petitioner and that though there is one previous case against the other petitioners, they have been granted bail in that case and also considering the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.1, Perambalur**, and on further conditions that;

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.



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[c] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, Perambalur.
- 2.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
- 3.Central Prison, Trichy.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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