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CrI.O.P.No.21464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2024

CORAM

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

CrI.O.P.No.21464 of 2024

Udhaya @ Udhaya Kumar

... Petitioner

Vs.

State represented by,
Inspector of Police,
Vellore South police station (L&O),
Vellore District,
(Crime No. 326 of 2024). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.326 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.G. Nirmal Krishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.07.2024, for the alleged offences punishable under Section 296(b),



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309(4), 311 of BNS, in Crime No.326 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and robbed cell phone at knife point. 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 further submit that he has not committed any offence as alleged in the FIR. He was arrested and is in judicial custody from 25.07.2024 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 the petitioner along with other accused waylaid the defacto complainant and robbed cell phone at knife point. He further submitted that the stolen property was recovered and there was no previous case pending against the petitioner. However, he strongly opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that stolen property was recovered and there was no previous case pending against the petitioner, 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 No.1 at Vellore 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.



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[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.

10.09.2024

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To

1. Judicial Magistrate No.1 at Vellore

2. The Inspector of Police,
Vellore South police station (L&O),
Vellore District.

3.The Superintendent,
Central Jail, Vellore.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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