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Crl.O.P.No.21453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

Crl.O.P.No.21453 of 2024

Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore.
(Crime No. 515 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending trial in the case in Crime
No.515 of 2024, pending on the file of the respondent police.

For Petitioner : Mr.G.V.Mohankumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 07.07.2024, for the alleged offence punishable under Section 379 of IPC,



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in Crime No.515 of 2024, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 07.06.2024, the defacto complainant parked his vehicle bearing Reg.No.TN 37 CU 6995 near Sulur KMCH hospital to see his wife. On the next day, the said vehicle was missing. 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's name is not found in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 55 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, when the defacto complainant went to see his wife, who was admitted in the Sulur KMCH hospital for delivery, after he returned, the petitioner has committed



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theft of the two wheeler belonging to the defacto complainant. He further submit that the property was recovered from the petitioner. He further submit that the petitioner has two previous cases, 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 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 considering the fact that the name of the petitioner is not found place in the FIR, and also considering that though the petitioner has two previous cases, in all the 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 Court, Sulur, and on further conditions that:-

[a] the petitioner shall report before the Dindigul Town Police Station, everyday at 10.30 a.m., until further orders.

[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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drl



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To

- 1.The Judicial Magistrate Court,
Sulur.
- 2.The Inspector of Police,
Sulur Police Station,
Coimbatore.
- 3.The Superintendent,
Central Jail, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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