



CRL O.P. No.21508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

**CRL OP.No.21508 of 2024**

Gowtham

... Petitioner / Accused

Vs

State rep. by  
The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

(Crime No.516 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 Petitioner on bail in Crime No.516 of 2024, on the file of the respondent.

For Petitioner : Mr.G.V.Mohan Kumar

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



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## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offences punishable under Section 379 of IPC, in Crime No.516 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is working in a Company which involved in lift services. On 19.06.2024, the defacto complainant went to Sulur in his two-wheeler for repairing lift and after completing the work, when he returned to pick his bike, he found that his bike was missing. On enquiry, it is found that the petitioner has stolen the bike. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 07.07.2024 and the property was also recovered from the petitioner. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in committing the theft of the bike of the defacto complainant. He would further submit that the property has been recovered and the petitioner has some previous cases similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsels and considering that the property was already recovered and that the number of days of incarceration undergone by the petitioner and that though the petitioner has some previous cases, he was released on bail in all the cases, this Court is inclined to grant bail to the petitioner subject to the following 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 Court, Sulur**, and on further conditions that;



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**[b] the Petitioner shall report before the Town Police Station, Dindigul, everyday 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  
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- 1.The Judicial Magistrate Court, Sulur.
- 2.The Inspector of Police,  
Sulur Police Station,  
Coimbatore.
- 3.Central Jail, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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**P.DHANABAL,J.**  
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