



Crl.O.P.No.21482 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21482 of 2024

Alagusubramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kundadam Police Station,
Tiruppur District
(Crime No. 12 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 PRC.No.8 of 2024 on
the file of Judicial Magistrate, Dharapuram, Tiruppur District.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 26.06.2024, for the alleged offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.12 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 has assaulted the defacto complainant and committed robbery and also caused injuries to him. Hence, the case.

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 co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 65 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, the petitioner along with other accused has assaulted the defacto complainant



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and committed robbery and also caused injuries to him. He further submitted that the injured has been discharged from the hospital. He further submitted that after the completion of investigation, charge sheet has been filed and the same has been taken cognizance as P.R.C.No.8 of 2024 by the Judicial Magistrate, Dharapuram, Tiruppur. Hence, 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, and considering the period of incarceration undergone by the petitioner, injured discharged from the hospital and also considering the case is at the stage of committal, and also considering the fact that the co-accused was also 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, Dharapuram, Tiruppur District, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days 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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To

- 1.The Judicial Magistrate,
Dharapuram, Tiruppur.
- 2.The Inspector of Police,
Kundadam Police Station,
Tiruppur District
- 3.The Superintendent,
Central Prison, Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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