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Crl.O.P.No.21480 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.21480 of 2024

Alagusubramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District
(Crime No. 1240 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending investigation in Crime
No.1240 of 2022, on the file of the respondent police.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner seeks bail in Crime No. 1240 of 2022, on the file of
the respondent police for the offence punishable under Sections 120(b), 367,



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368, 386, 324 and 506(ii) of IPC. The petitioner has been remanded to judicial custody on 25.06.2024 on execution of NBW issued against him.

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 for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner was released on statutory bail by the Judicial Magistrate, Palladam in Crl.MP.No.64 of 2023 dated 16.02.2023 but the petitioner was not complied the said condition and hence, the respondent police file a bail cancellation application before the Judicial Magistrate, Palladam and the same was allowed and Nonailable Warrant was issued against him. He further submitted that the petitioner is in judicial custody for more than 65 days. He also submitted that the petitioner will undertake that hereafter he will regularly appear before the trial court on all hearing dates. Therefore, he prays for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that petitioner along with other accused has assaulted the defacto complainant and committed robbery and also caused injuries to him. He further submitted that the Non Bailable Warrant was issued against the petitioner for his non-appearance of conditions imposed by the Judicial Magistrate Court, Palladam, and hence he was arrested and remanded to judicial custody on 25.06.2024. Hence, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued and thereafter, the same has been executed, and considering the period of incarceration undergone by the petitioner, nature of offence and also considering the undertaking given by the petitioner that he is ready to co-operate for speedy



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disposal of the trial, this Court is inclined to grant bail to the petitioner with 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, Palladam, Tiruppur and on further conditions that :-

[a] the petitioner shall report before the Judicial Magistrate, Dharapuram, on all working days at 10.30 a.m., until further orders, without fail.

[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



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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.

05.09.2024

drl

To

- 1.The Judicial Magistrate, Palladam
Tiruppur.
- 2.The Inspector of Police,
Palladam 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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