



CRL O.P. No.21611 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.21611 of 2024

Selvam @ Selvakannu

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.1042 of 2009)

... 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.1042 of 2009, on the file of the respondent.

For Petitioner : Mr.N.Ponraj

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



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ORDER

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The petitioner seeks bail in S.C.No.97 of 2024 for the offences punishable under Sections 395 and 397 of IPC on the file of the Assistant Sessions Judge/Sub Court, Palladam. The petitioner was remanded to judicial custody on 05.04.2024 on execution of NBW issues against him on 09.07.2018.

2.The case of the prosecution is that when the respondent police was on regular patrol, at that time, the petitioner along with the other accused were found in preparation of dacoity and robbery. 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 was already granted bail and due to health issues, he did not appear before the Court and hence, NBW was issued against the petitioner on 09.07.2018. He would further submit that the petitioner has been in judicial custody for the past 148 days. 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 along with the other accused were found in preparation of robbery and dacoity. He would further submit that the petitioner was already granted bail and due to his non appearance before the Court, NBW was issued and the same was executed only on 05.04.2024. He would further submit that investigation has been completed and the case is now posted for trial. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that already the petitioner was released on bail and thereafter, due to his non appearance before the Court, NBW was issued and after a long time, the same was executed and the case is also taken on file in S.C.No.97 of 2024 and also considering that the petitioner has been in custody for the past 148 days and the case is now posted for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 **Assistant Sessions Judge/Sub Court, Palladam**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on every working day 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

- 1.The Assistant Sessions Judge/Sub Court, Palladam.
- 2.The Inspector of Police,
Palladam Police Station,
Tiruppur District.
- 3.Central Jail, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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