



CRL O.P. No.22834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22834 of 2024

1.S.Arvindhan

2.Samundeeshwaran

... Petitioners / Accused 1&4

Vs

State rep. by
The Inspector of Police,
Natrampalli Police Station,
Natrampalli,
Tirupattur District.

(Crime No.348 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 Petitioners on bail in Crime No.348 of 2024, on the file of the respondent.

For Petitioners : Mr.C.S.Vijayakumar

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



CRL O.P. No.22834 of 2024

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.07.2024 for the offences punishable under Section 309(6) of BNS, 2023, in Crime No.348 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 15.07.2024 at about 07.30 p.m., while the defacto complainant was standing with a Honda Deo scooter near Natrampalli Bypass Service Road, 1st petitioner/A1 asked lift and while the 1st petitioner/A1 and the defacto complainant proceeding towards Pallattur Road, Kaapukaadu, the 1st petitioner/A1 stopped the defacto complainant and the 2nd petitioner and other accused who hidden there, were gathered and assaulted the defacto complainant and caused injures and snatched his mobile phone and his two-wheeler. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this



case. He would further submit that the petitioners have been in custody for more than 55 days. He would further submit that the property was recovered and there is no previous case against the petitioners. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that on the date of occurrence, while the defacto complainant was standing with a Honda Deo scooter near Natrampalli Bypass Service Road, 1st petitioner/A1 asked lift and while the 1st petitioner/A1 and the defacto complainant proceeding towards Pallattur Road, Kaapukaadu, the 1st petitioner/A1 stopped the defacto complainant and the 2nd petitioner and other accused who hidden there, were gathered and assaulted the defacto complainant and caused injures and snatched his mobile phone and his two-wheeler. He would further submit that the property was recovered and there is no previous case against the petitioners. However, he raised serious objection to grant bail to the petitioners.



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

6. Considering the nature of offences charged against the petitioners and that no previous case is pending against the petitioners and also taking into consideration the number of days of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate – III, Tirupattur**, and on further conditions that;

[b] the Petitioners shall report before the B-1 Town Police Station, Krishnagiri, everyday at 10.30 a.m., until further orders.

[c] the Petitioners 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 Petitioners 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;



CRL O.P. No.22834 of 2024

[e] the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.09.2024

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To

- 1.The Judicial Magistrate – III, Tirupattur.
- 2.The Inspector of Police,
Natrampalli Police Station,
Natrampalli,
Tirupattur District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.22834 of 2024

P.DHANABAL,J.
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CRL.OP.No.22834 of 2024

20.09.2024