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CrI.O.P.No.21921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

CrI.O.P.No.21921 of 2024

1.Udhaya

2.Suriya

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
(Crime No. 30 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 30 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.G.Vinodhkumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 18.05.2024, for the alleged offences punishable under Sections



Crl.O.P.No.21921 of 2024

341, 342, 392, 397 IPC @ 294(b), 392 and 397 of IPC, in Crime No.30 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.05.2024, at about 3.00 p.m, when the defacto complainant went to his house, at that time, the petitioners waylaid the defacto complainant and demanded money, when he was refused, the accused persons plucked a mobile phone, worth about Rs.15,000/- from him at knife point. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and they are in judicial custody for more than 120 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, when the defacto complainant was returning to his house, at that time, the



Crl.O.P.No.21921 of 2024

petitioners waylaid the defacto complainant and demanded money, when he was refused, the accused persons plucked a mobile phone, worth about Rs.15,000/- from him at knife point. He further submitted that the property was recovered from the petitioners. He further submitted that the petitioners having more than 8 previous cases, pending against them. He further submit that investigation was completed and the charge sheet has also been filed. However, he opposed to grant bail to the petitioners.

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, nature of offence, and property was recovered, and investigation was completed and the charge sheet was also filed, though the petitioner has more than 8 previous cases, in some of the cases, they have been acquitted and in all other cases, they have been released on bail, and considering the period of incarceration undergone by the



Crl.O.P.No.21921 of 2024

petitioners, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.IV, Vellore, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



CrI.O.P.No.21921 of 2024

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.09.2024

drl

To

- 1.The Judicial Magistrate No.IV,
Vellore.
- 2.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Crl.O.P.No.21921 of 2024

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Crl.O.P.No.21921 of 2024

10.09.2024