



CRL O.P. No.21980 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21980 of 2024

Billa @ Preethamkumar

... Petitioner / Accused 8

Vs

State rep. by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

(Crime No.598 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 petitioner on bail in Crime No.598 of 2024, on the file of the respondent.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2024 for the offences punishable under Sections 140(2) and 310(2) of BNS, 2023, in Crime No.598 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant and his father owns a jewellery shop in the name of Jain Jewellers and it is alleged that the defacto complainant was warned by A1, who is a neighbor of the defacto complainant that he should repay the debt of Rs.32,00,000/- and 600 grams of gold to one, Parthiban. While so, on 27.07.2024 at about 10.00 p.m., when the defacto complainant and his brother were going near Kadalaikalai Karuvattu Santhu, the petitioner along with the other accused kidnapped the defacto complainant and his brother to a remote place, threatened them, assaulted them and caused injuries to the defacto complainant and robbed a sum of Rs.10,00,000/- from them. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence.

He would further submit that the petitioner is not a named accused in this case and he has been falsely implicated in this case. He would submit that the petitioner has been in custody for more than 46 days and there is no previous case against the petitioner. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent would submit that due to money dispute, the petitioner along with the other accused, waylaid the defacto complainant, kidnapped him in a remote place, threatened him with dire consequences and robbed a sum of Rs.10,00,000/- and also caused injuries to the defacto complainant. She would further submit that totally a sum of Rs.9,80,000/- has been recovered from the accused and there is no previous cases pending against the petitioner. However, she vehemently opposed to grant bail to the petitioner.



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

6. Considering the nature of offences and the name of the petitioner does not find place in FIR and that there is no previous case pending against the petitioner and also considering the number of days of incarceration undergone by the petitioner and that the amount was also recovered and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[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 **Judicial Magistrate – 1, Tiruvannamalai**, and on further conditions that;

[b] the petitioner shall report before the respondent police everyday 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;



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[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.

11.09.2024

ata

To

1.The Judicial Magistrate – 1, Tiruvannamalai.

2.The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.

3.Central Prison, Vellore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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