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CrI.O.P.No.21960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

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

CrI.O.P.No.21960 of 2024

Pirabakaran @ Kuttish

... Petitioner

Vs.

The State represented by
Inspector of Police,
Paramathi Police Station,
(Crime No. 195 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., to
enlarge the petitioner on bail connected in Crime No.195 of 2024 on the file
of the respondent police.

For Petitioner : Mr.Manish.P

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.08.2024, for the alleged offences punishable under Section 303(2) of
BNS, in Crime No.195 of 2024, on the file of the respondent police, seeks
bail.



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2. The case of the prosecution is that on 05.07.2024, the petitioner had stolen a two wheeler belonging to the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner is in judicial custody for more than 30 days and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted the petitioner has stolen the two wheeler which belongs to the defacto complainant. He further submitted that the property was recovered. He further submitted that the petitioner has no previous case, pending against him and investigation was completed and final report also filed. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record



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including the First Information Report.

6. Considering the submissions of the learned counsel on either side, nature of offence and considering the period of incarceration undergone by the petitioner, and also considering that the petitioner has no previous case, pending against him and investigation was completed and final report also filed, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 learned Judicial Magistrate, Paramathi, and on further conditions that:-

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

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.



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[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 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.

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To

1.The Judicial Magistrate, Paramathi,

2.The Inspector of Police,
Paramathi Police Station,

3.The Sub Jail,
Paramathi

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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