



CRL O.P. No.22292 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.22292 of 2024

Suresh @ Pattarai Suresh

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Chithode Police Station,
Erode District.

(Crime No.755 of 2020)

... 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 S.C.No.107 of 2022 on the file of he Sessions Magalir Neethi Mandram, Fast Track Mahila Court, Erode.

For Petitioner : Mr.R.Dineshkumar

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



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ORDER

The petitioner seeks bail in S.C.No.107 of 2022 on the file of the Magalir Neethi Mandram, Fast Track Mahila Court, Erode, for the offences punishable under Sections 392, 397 and 506(II) of IPC. The petitioner was remanded to judicial custody on 23.02.2024 on execution of NBW issued against him on 25.09.2023.

2.The case of the prosecution is that on 17.10.2020 at about 9.00 a.m., when the defacto complainant was going to temple, the petitioner along with the other accused, waylaid the defacto complainant and snatched the gold chain worth about Rs.40,000/- at knife point. 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, however, due to laid up with his grandmother for treatment, the petitioner was unable appear before the Court and hence, NBW was issued against



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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 the petitioner is alleged to have waylaid the defacto complainant and snatched the gold chain at knife point. She would further submit that there are 25 previous cases against the petitioner and the petitioner was already granted bail, however, he did not appear before the Court and hence, NBW was issued against him on 25.09.2023 and the same was executed only on 02.01.2024. She would further submit that investigation has been completed and charge sheet has also been filed. She would further submit that the case is now posted for trial. 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 that already the petitioner was granted bail, due to his non appearance before the Trial Court, NBW was issued and thereafter, the same was executed and also considering that the petitioner has been in custody from 02.01.2024 and the case is now posted for trial and considering the nature of offences charged against the petitioner, 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 Court No.III, Erode**, and on further conditions that;

[b] the petitioner shall report before the Magalir Neethi Mandram, Fast Track Mahila Court, Erode, on all working days 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 Court No.III, Erode.

2.The Inspector of Police,
Chithode Police Station,
Erode District.

3.Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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