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Crl.O.P.No.22572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

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

Crl.O.P.No.22572 of 2024

1.Sivakumar

2.Gowtham

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Natrapalli Police Station,
Tirupattur District.
(Crime No. 348 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. 348 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.S. Gopinath

For Respondent : Mr.S.Vinodkumar
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 24.07.2024, for the alleged offence punishable under Sections



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309(6) of BNS in Crime No.348 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.07.2024, at about 7.30 p.m., at Natrampalli Bypass service road, while the defacto complainant was standing with his sister's scooty, the petitioner asked for a lift from the defacto complainant. Subsequently, the petitioner stopped the defacto complainant, then some other persons gathered there and assaulted the defacto complainant on his face and robbed Android mobile phone and two wheeler. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted 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 further submit that there is no specific overt act attributed against the petitioners. He further submitted that the petitioners were arrested and they are in judicial custody for more than 50 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally four accused in this case and the petitioners herein are arrayed as A1 & A3. He further submits that on the date of the alleged occurrence, when the defacto complainant was standing with his scooty, the first petitioner asked for lift, subsequently, he stopped the defacto complainant, and then the other accused persons gathered there and assaulted the defacto complainant and extorted his android mobile phone and two wheeler. He further submitted that the property was recovered from the petitioners. He further submits that there are no previous case as against the petitioners. 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 nature of offence, and property was recovered, and considering the period of incarceration undergone by the petitioners, and there is no previous case pending against the petitioners, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to



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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 Court -III, Tirupattur, and on further conditions that:-

[a] the petitioners shall report before the respondent police daily 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



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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.

18.09.2024

drl

To

1.The Judicial Magistrate No.III,
Tirupattur,

2.The Inspector of Police,
Natrampalli Police Station,
Tirupattur District.

3.The Superintendent,
Central Prison, Vellore

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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