



CRL O.P. No.22868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22868 of 2024

Ramesh

... Petitioner / Accused - 3

Vs

State rep. by
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.

(Crime No.245 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.245 of 2024, on the file of the respondent.

For Petitioner : Mr.R.Rajprabhu

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.06.2024 for the offences punishable under Section 394 of IPC, in Crime No.245 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 22.06.2024 at about 11.00 a.m., the petitioner along with the other accused waylaid the defacto complainant, threatening her with knife and robbed 5 ½ sovereigns of gold chain and 3 sovereigns of gold bangle and ½ gram gold ring. 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 has been in custody for more than 45 days and the property was also recovered. He would further submit that co-accused in this case was released on bail and 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.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused waylaid the defacto complainant and robbed 9 sovereigns of gold jewels at knife point. He would further submit that there are 14 previous cases against the petitioner. He would further submit that the property was recovered from the accused and investigation has been completed. He would also submit that co-accused in this case was also released on bail. However, he opposed to grant bail to the petitioner.

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

6. Considering that investigation has been completed and the property was also recovered and also considering that though the petitioner is having 14 previous cases, he was released on bail in all the cases and that co-accused in this case was released on bail and considering the number of days of incarceration undergone by 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Palladam, Tiruppur District**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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;

[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.

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To

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- 1.The Judicial Magistrate, Palladam, Tiruppur District.
- 2.Central Prison, Tiruppur.
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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