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Crl.O.P.No.22872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

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

Crl.O.P.No.22872 of 2024

Sivabalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mailam Police Station,
Villupuram District.
(Crime No. 749 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.749 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Ashwinkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.08.2024, for the alleged offence punishable under Section 311 of BNS,
2023 in Crime No.749 of 2024, on the file of the respondent police, seeks



bail.

2. The case of the prosecution is that on 02.08.2024, at about 7.30 p.m., the defacto complainant and his girl friend were talking near Mailam. At that time, the petitioner waylaid the defacto complainant and demanded money. When he refused to give the money, he snatched one sovereign of gold chain from the defacto complainant's girl friend at knife point. 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 was arrested and is in judicial custody for more than 45 days and 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 that on the date of the alleged occurrence, the petitioner waylaid the defacto complainant, and had committed theft of one



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sovereign of a gold chain from the defacto complainant's girl friend at knife point. He further submits that the property was recovered from the petitioner. He further submits that the petitioner has 20 previous cases, out of which, 10 cases have been disposed of. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioner, and property was recovered, and though the petitioner has 20 previous cases, out of which, 10 cases have been disposed of and in all the pending cases, he has been released on bail, 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 Judicial



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Magistrate No.II, Tindivanam, and on further conditions that:-

[a] the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 B.N.S.

20.09.2024

drl

To

- 1.The Judicial Magistrate No.II,
Tindivanam.
- 2.The Inspector of Police,
Mailam Police Station,
Villupuram District.
- 3.The Superintendent,
District Jail, Vedampattu.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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