

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.23558 of 2024

1. Vasanthapriya
2. Mohamed Ismail @ Fazil petitioners

Vs.

State rep.
The Station House Officer,
Neravy Police Station,
Karaikal District. ... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No. 14 of 2024 on the file of the respondent police.

For petitioners : Mr.S.Vinoth Kumar

For Respondent : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
assisted by Mrs.N. Danalaatchumy

ORDER

The petitioners/accused, who was arrested and remanded to

judicial custody on 04.08.2024 for the offence punishable under Section 457, 380, 212, 414 r/w 34 of I.P.C, in Crime No.14 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant found that his house door was broken and 20 sovereigns of the gold articles worth about Rs.5,00,000/- are stolen by some body. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that

petitioners have stolen 20 sovereigns of the gold articles worth about Rs.5,00,000/- from the house of the defacto complainant and eight previous cases are pending against the petitioners and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the representation made on either side and considering the nature of offences charged against the petitioners and considering the fact that co-accused was arrested and released on bail and considering the period of incarceration and though some previous cases are pending against the petitioners, they were released on bail in all cases, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are 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 **learned Judicial Magistrate Court No -I, Karaikal** and on further conditions that:

[b] the petitioners shall report before the respondent Police daily at 10.30 A.M. until further orders.

[c] the petitioners shall attend in accordance with the conditions of the bond.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] 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 or tamper with the evidence.

[g] On breach of any of the aforesaid conditions, the learned 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

25.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl

P.DHANABAL,J
nsI

To

1. The Judicial Magistrate Court - I,
Karaikal.
2. The Station House Officer,
Neravy Police Station,
Karaikal District.
3. Central Prison, Kalapet.
4. Sub Jail, Karaikal
5. The Government Advocate (Crl.Side), High Court, Madras.

CRL.OP.No.23558 of 2024

25.09.2024

