



Crl.O.P.No.22988 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22988 of 2024

I. Rizwan

...Petitioner/Accused/Rank Not Known

Vs.

State rep by
Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District
(Crime No.82 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.82 of 2024 on the file of respondent police.

For Petitioner : Mr.W. Camyles Gandhi
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.22988 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.07.2024 for the offence under Sections 457, 380, 120(B) and 109 of the IPC in Crime No.82 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused, had damaged the SBI ATM machine in Gurubarapalli in Krishnagiri District and looted a sum of Rs. 19,27,600/- from that machine. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 18.07.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.22988 of 2024

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are five accused in this case; that the petitioner is arrayed as A4; that the petitioner/A4 is the own brother of the first accused, and that the petitioner, along with other accused, had damaged the SBI ATM machine, in Gurubarapalli in Krishnagiri District and looted a sum of Rs.19,27,600/- from that machine. He further submitted that a sum of Rs.4,00,000/- was transferred from the co-accused/A1 to this petitioner's account; that the prime accused was absconding; that the petitioner/A4 and A3 were alone arrested and they were still in custody; that all the other accused were absconding; that there are no previous cases pending against the petitioner; and that the investigation is also pending. Hence, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of allegations charged against the petitioner, that the petitioner's account



CrI.O.P.No.22988 of 2024

was already frozen, and the allegation that the amount was transferred from the main accused to the account of this petitioner, and also that no money was withdrawn from the bank, that there are no previous cases pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 Magistrate – II, Krishnagiri*, and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate on every working day at 10.30 a.m., until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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,



CrI.O.P.No.22988 of 2024

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;

[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.

19.09.2024

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To

1. The Judicial Magistrate – II,
Krishnagiri.

2. The Central Prison,
Salem.



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CrI.O.P.No.22988 of 2024

P.DHANABAL, J.

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3. The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District

4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.22988 of 2024

19.09.2024