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CrI.O.P.No.22986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.22986 of 2024

Das @ Maridhas

...Petitioner/Accused

Vs.

State rep by
Inspector of Police,
Palladam Police Station,
Tiruppur
(Crime No.535 of 2007)

...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.535 of 2007 on the file of respondent police.

For Petitioner : Mr.S.Selvakumar
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offence under Sections 395 and 397 of IPC in Crime No.535 of 2007, on the file of the respondent police, seeks bail.

2. The case of the petitioner is that the petitioner, along with the co-accused, is alleged to have assaulted the petrol bunk employees, caused injury, and committed robbery. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that due to health issues, the petitioner was unable to appear before the trial court; as a result of his non-appearance, NBW was issued. He further submitted that the petitioner has been in custody since 06.07.2023. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner was already granted bail and due to non-appearance, NBW was issued against the petitioner on 22.09.2008,



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and he was secured only on 06.07.2024. He further submitted that the trial is in progress. However, he vehemently opposed granting bail to the petitioner.

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

6. Considering that the petitioner was already granted bail and thereafter, due to his non-appearance before the Trial Court, the NBW was issued and the same has been executed, and considering the number of days of incarceration undergone by the petitioner and the fact that the case is also now posted for examination of witnesses, 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 *Sub and Assistant Session Court, Palladam* and on further conditions that:

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



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[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, 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 of the B.N.S.



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To

- 1.The Sub and Assistant Session Court,
Palladam
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
Palladam Police Station,
Tiruppur
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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