



CRL O.P. No.23094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23094 of 2024

1.Venkatesh

2.Prakash

... Petitioners / Accused 1&2

Vs

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

(Crime No.305 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 Petitioners on bail in Crime No.305 of 2024, on the file of the respondent.

For Petitioners : Mr.S.Parameswaran

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



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 13.07.2024 for the offences punishable under Section 304(2) of BNS, 2023, in Crime No.305 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 03.07.2024 at about 5.40 hours, while the defacto complainant was walking near KIWI Garden, the petitioners waylaid the defacto complainant and snatched 1 ¼ sovereigns of gold chain at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in custody since 13.07.2024 and the property was also recovered. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners waylaid the defacto complainant and snatched 1 ¼ sovereigns of gold chain at knife point. He would further submit that the 1st petitioner is having 14 previous cases and the 2nd petitioner has no previous case against him. He would further submit that the entire property was recovered from the accused. However, he raised serious objection to grant bail to the petitioners.

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

6. Considering that already the property was recovered and that though the 1st petitioner is having some previous cases, he has been granted bail in all the cases and no previous case is pending against the 2nd petitioner and also considering the period of incarceration undergone by the petitioners, this Court is 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the



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satisfaction of the **Judicial Magistrate, Avinashi**, and on further conditions that;

[b] the Petitioners shall report before the Tharapuram Police Station, Tiruppur District everyday at 10.30 a.m., until further orders.

[c] the Petitioners 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 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;

[e] the Petitioners 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 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]; and

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

20.09.2024

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To
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- 1.The Judicial Magistrate, Avinashi.
- 2.The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.
- 3.Sub Jail, Avinashi.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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