



WEB COPY



CrI.O.P.No.23089 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23089 of 2024

Muthu @ Muthukumar

...Petitioner/Accused -11

Vs.

State rep by
The Inspector of Police,
Sathiyamangalam Police Station
Villupuram District
(Crime No.181 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 181 of 2024 on the file of the respondent police.

For Petitioner : Mr. V.R.Appaswamee

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

ORDER



CrI.O.P.No.23089 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 09.08.2024 for the offences under Sections 133, 140(2), 310(2), 311 & 351(iii) of BNS 2023 read with Section 3 of TNPPDL Act, 1992 in Crime No. 181 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused contacted the defacto complainant and stated that he can give gold 7% less than the market value. Thereafter, the defacto complainant and his friends picked up the first accused in their car and at that time, one car which came behind their car overtook them suddenly and stopped in front of their car, in which 11 persons came and attacked with iron rod and caused damage to the car mirror and robbed a sum of Rs.7,60,000/-. Hence, the case.

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 and he is a law-abiding citizen and he is ready to furnish substantial sureties for his



Crl.O.P.No.23089 of 2024

due release on bail; therefore, he prays for the grant of bail to the petitioner.

4.Learned Government Advocate (Criminal Side) for the respondent police opposed granting bail to the petitioner by stating that the petitioner along with other accused had robbed a sum of Rs.7,60,000/- to the defacto complainant. He would further submit that there is no previous case pending against the petitioner and the prime accused was detained under Goondas Act.

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

6. Considering the submissions made on both sides, the prime accused was detained under Goondas Act and also the nature of the offences charged against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has no previous case and the material part of investigation has already been over, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. Accordingly, the petitioner is ordered to be released on bail on



CrI.O.P.No.23089 of 2024

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 court of **Judicial Magistrate, Gingee**, and on further conditions that:

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

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

[d] The petitioner 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;

[e] The petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of



CrI.O.P.No.23089 of 2024

the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

01.10.2024

vsg

P.DHANABAL, J.

vsg

To



Crl.O.P.No.23089 of 2024

WEB COPY

- 1.Judicial Magistrate, Gingee.
- 2.Central Prison, Cuddalore.
- 3.The Inspector of Police,
Sathiyamangalam Police Station
Villupuram District
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.23089 of 2024

01.10.2024