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CRL O.P. No.23099 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.23099 of 2024

Selvam

... Petitioner / Accused

Vs

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

(Crime No.285 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 Petitioner on bail in Crime No.285 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Mohamed Ansar

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 29.07.2024, for the offences punishable under Sections 331(4) and 305 of BNS, 2023, in Crime No.285 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that on 28.07.2024 at about 04.00 a.m., the petitioner has committed theft of Rs.10,000/- and silver ornaments worth about Rs.5,000/- from Vinnalanth Periya Perumal Temple at Tiruppur. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 28.07.2024 and some part of the property was also recovered. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner is alleged to have committed theft of Rs.10,000/- cash and silver ornaments to the tune of Rs.5,000/- from Vinnalanth Periya Perumal Temple, Tiruppur. He would further submit that there are two previous cases against the petitioner. He would further submit that the property was recovered and cash of Rs.6,000/- was also recovered. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that some of the properties were recovered and the number of days of incarceration undergone by the petitioner and also considering that though the petitioner is having some previous cases, he was granted bail in all the cases, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is 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 **Judicial Magistrate Palladam**, and on further conditions that;



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[b] the Petitioner shall report before Kangeyam Police Station, Tiruppur, daily at 10.30 a.m., until further orders.

[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;

[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.

20.09.2024

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To
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- 1.The Judicial Magistrate, Palladam.
- 2.Central Prison, Coimbatore.
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 3.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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