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CrI.O.P.No.23073 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.23073 of 2024

1. Anthoni Andros @ Anthony Andrus

... Petitioner/Accused -8

2. Seviyar Immanuvel @ Xavier Emmanuvel @ Rajesh

.... Petitioner/Accused -3

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 BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 181 of 2024 on the file of the respondent.

For Petitioners : Mr. V.R.Appaswamee



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

ORDER

The petitioners, who were 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, seek 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 petitioners submitted that the petitioners



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are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4.Learned Government Advocate (Criminal Side) for the respondent police opposed granting bail to the petitioners by stating that the petitioners along with other accused had robbed a sum of Rs.7,60,000/- to the defacto complainant. He would further submit that there are no previous cases pending against the petitioners 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 offences charged against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners and the fact that no previous cases pending against the petitioners and the material part of



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investigation has been completed, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the learned *Judicial Magistrate, Gingee*, and on further conditions that:

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

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

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

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

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



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the case so as to dissuade them 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 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

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

01.10.2024

vsg

To

1.Judicial Magistrate, Gingee.

P.DHANABAL, J.

vsg



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2. Central Prison, Cuddalore.

3. The Inspector of Police,
Sathiyamangalam Police Station
Villupuram District.

4. The Public Prosecutor,
High Court of Madras.

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