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Crl.O.P.No.23532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23532 of 2024

1. Kajendran. R,
2. Bhuvaneswaran . R @ Buvaneshwaran
3. Subash Senthilkumar

.... Petitioner/Accused Nos. 1, 3 & 4

Vs.

State rep by
The Inspector of Police,
Ammamet Police Station
Salem City District.
(Crime No.759 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. 759 of 2024 on the file of the respondent.

For Petitioners : Mr. Deepan Uday

For Respondent : Mr.S.Vinothkumar



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Government Advocate (Crl. Side)

ORDER

The petitioners/A1, A3 and A4, who were arrested and remanded to judicial custody on 26.06.2024 for the offences under Sections 120(b), 395 read with 397 of IPC, 1860 in Crime No.759 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 14.06.2024, the defacto complainant was working as a branch operation manager at IDFC First Bharat Bank in Ammapet Town Branch, It is further alleged that on the same day, when he was carrying a sum of Rs.12,09,100/- in a collection bag to deposit the said amount at Karur Vysya Bank, the petitioners/A1, A3 and A4, along with other accused, waylaid him and snatched the said amount from him at knife point. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by



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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/A1, A3 and A4 by stating that the defacto complainant is a bank employee. While he was carrying a sum of Rs.12,09,100/- in a collection bag to deposit the said amount at Karur Vysya Bank, the petitioners/A1, A3 and A4, along with other accused, waylaid him and robbed the said amount from him at knife point. He further submitted that there are totally nine accused in this case, the petitioners are arrayed as A1, A3 and A4; that some of the accused are absconding; that the petitioners were arrested only on 25.06.2024; that the respondent had secured only Rs.5,00,000/- from said amount. He would further submit that no previous cases are pending against the petitioners; and that the co-accused have been released on bail and the investigation has been completed.

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



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6. Considering the submissions made on both sides, the co-accused have already been granted bail and also taking into consideration the period of incarceration undergone by the petitioners and the fact that no previous case pending against the petitioners and the material part of 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 No.5, Salem*, and on further conditions that:

[b] the petitioners shall report before the learned *Judicial Magistrate No.5, Salem*, on all working days at 10.30 a.m., for 30 days;

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



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[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 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



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

24.09.2024

vsg

To

1.Judicial Magistrate No.5, Salem.

2.Central Prison, Salem.

3.The Inspector of Police,
Ammamet Police Station
Salem City District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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