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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23403 of 2024

R.Ragul ...Petitioner/Accused-2

Vs.

The Sub Inspector of Police,
Taluk Police Station
Villupuram
Villupuram District
(Crime No.724 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. 724 of 2024 on the file of the respondent police.

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For Petitioner : Mr. E.Manikandan

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

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O R D E R

The petitioner, who was arrested on 25.08.2024 and remanded to judicial custody on the same day for the offences under Sections 331(3), 305(a) of BNS, in Crime No. 724 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had break open the house of the defacto complainant and committed theft for a sum of Rs.5000/- and godl jewel. 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 due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting

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bail to the petitioner stating that the petitioner along with other accused had break open the house of the defacto complainant and committed theft for a sum of Rs.5000/- and gold jewel and there is no previous case against the petitioner. He would further submit that all the accused have been secured by the police.

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

6. Considering the submissions made on both sides and also taking into consideration the period of incarceration undergone by the petitioner and also the petitioner has no previous case and the amount was recovered and also all the accused were secured by the police, 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 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 No.1, Villupuram,*** and on further conditions that:

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

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[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 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

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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.

24.09.2024

vsg

To

1.Judicial Magistrate No.I,Villupuram.

2.Central Prison, Cuddalore.

3.The Sub Inspector of Police,
Taluk Police Station
Villupuram
Villupuram District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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