



Crl.O.P.No.23453 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.23453 of 2024

Naveenkumar @ Kakkamuttai

...Petitioner/Accused No.1

Vs.

State rep by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
Crime No.224 of 2024.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.224 of 2024 on the file of the respondent police.

For Petitioner : M/s.Mounika Manikandan

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



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ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 10.08.2024 for the offences under Section 309(6) of the BNS and subsequently it was altered as under Sections 309(6), 310(2) and 311 of the BNS, in Crime No.224 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the de facto complainant and his cousin were selling the chairs on their two wheelers, the petitioner/A1 along with some other persons came on their two wheelers and stopped the de facto complainant, abused him in filthy language, assaulted the de facto complainant, and robbed a sum of Rs. 5000/-, the chairs that were taken by the defacto complainant for sale and one OPPO mobile phone with a knife point. Hence the complaint.

3. Learned counsel for the petitioner/A1 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. She also submitted that the co-accused/A2 was granted bail by this



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Court vide its order dated 19.09.2024 in Crl.O.P.No.23002 of 2024; that the petitioner has been in custody since 10.08.2024. She further submitted that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, she prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that when the defacto complainant and his cousin were selling the chairs on their two wheelers, the petitioner/A1 along with some other persons came on their two wheelers and stopped the defacto complainant, abused him in filthy language, assaulted the defacto complainant, and robbed a sum of Rs.5000/-, the chairs that were taken by the defacto complainant for sale and one OPPO mobile phone with a knife point. He further submitted that there are no previous cases pending against the petitioner; and that the property was also recovered. However, he vehemently opposed the grant of bail to the petitioner.

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



6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that already the property was recovered, that there are no previous cases pending against the petitioner, that the co-accused was released on bail and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 learned *Judicial Magistrate No.II, Namakkal*, and on further conditions that:

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

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

[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



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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 the evidence;

[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.

24.09.2024

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To

1.The Judicial Magistrate No.II, Namakkal,

2.The Central Jail, Salem

P.DHANABAL, J.

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3.The Inspector of Police,
Mohanur Police Station,
Namakkal District.

4.The Public Prosecutor
High Court of Madras.

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