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Crl.O.P.No.23457 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.23457 of 2024

Mr.Surataiyan @ Prabaharan

...Petitioner/Accused-4

Vs.

The State rep by
The Inspector of Police,
Kannankurichi Police Station
Salem District.
(Crime No.315 of 2012)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS.,
praying to enlarge the petitioner on bail in S.C.No.398 of 2018 pending
before the I Additional Assistant Sessions Judge, Salem in Crime No. 315
of 2012 on the file of the respondent police.

For Petitioner : Mr. M.Mohamed Saifulla

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

ORDER



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The petitioner seeks bail in S.C.No.398 of 2018 in Crime No.315 of 2012 on the file of the learned I Additional Assistant Sessions Judge, Salem, for the offences under Sections 395, 395 read with 397 IPC, 1860. The petitioner has been remanded to judicial custody on 07.09.2023 on execution of the NBW issued against him.

2.The case of the prosecution is that the petitioner, along with other accused had attacked and robbed Rs.7,000/-. Hence, this case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to his non appearance before the Trial Court, NBW was issued. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that NBW was issued against the petitioner on 07.09.2024 and the same was executed. He further submitted that the case is now posted for framing of charges. Hence, he vehemently opposed granting bail to the petitioner.



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

6. Considering the rival submissions on either side, the fact that bail was already granted to the petitioner and thereafter NBW was issued and the same has been executed and also considering the period of incarceration undergone by the petitioner and the case is posted for framing of charges, 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 *I Additional Assistant Sessions Judge, Salem* and on further conditions that :

[a] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

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



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[c] 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;

[d] The petitioner shall not abscond either during investigation or trial;

[e] 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;

[f] 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 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



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

24.09.2024

vsg

To

1. I Additional Assistant Sessions Judge, Salem
2. Central Prison, Salem.
3. The Inspector of Police,
Kannankurichi Police Station
Salem District.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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