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Crl.O.P.No.23705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.23705 of 2024

Kumaresan

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
(Crime No. 295 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.295 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.E.Sathiyaraj

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial
custody on 29.08.2024, for the alleged offence punishable under Sections
126(2), 296(b), 115(2), 109, 309(4) of BNS, in Crime No.295 of 2024, on



the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.08.2024 at about 10.30 p.m., when the defacto complainant was taking out his car, which was parked near the Famous Biriyani Shop, at that time, the petitioner along with other accused came on a two wheeler and demanded money from him, when he refused, the accused person abused him with filthy language, snatched a sum of Rs.15,600/- from his pocket, and also assaulted him with a wooden log, causing injuries to him. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioner along with other accused wrongfully restrained the defacto complainant, abused him, snatched a sum of Rs.15,600/- from his pocket and assaulted him, causing injuries to him. He further submits that the property was recovered from the petitioner. He further submits that the injured has been discharged from the hospital and he has no previous case pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions on both sides, nature of offence, property was recovered, and the petitioner has no previous case pending against him, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 District Munsif



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cum Judicial Magistrate, Kalasapakkam, Tiruvannamalai, 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 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.09.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Kalasapakkam, Tiruvannamalai.
- 2.The Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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