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Crl.O.P.No.24447 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.24447 of 2024

1. Madhan @ Madhankumar

2. Shanmugakan

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No. 907 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.907 of 2024 on the file
of the respondent Police.

For Petitioners : Mr.P.Chandrasekar

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 18.09.2024, for the alleged offence punishable under Section 310(4) of BNS Act, in Crime No.907 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.09.2024, when the *de-facto* complainant, Sub-Inspector of Police and his team were on their routine patrol duty, they found that the petitioners along with other accused persons, were making preparations for committing dacoity. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and are in judicial custody from 18.09.2024 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally five accused in this case and



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the petitioners herein are A2 and A3. He further submits that, while the respondent police were on regular patrol, the petitioners along with the other accused persons were found in committing preparation of dacoity. He further submit that each of the petitioners have got three previous cases, pending against them. However, he opposed to grant bail to the petitioners.

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

6. Considering the nature of offence charged against the petitioners, considering the period of incarceration undergone by the petitioners, and though each of the petitioners was having three previous cases, in all the cases, they have been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. 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, for a like sum to the satisfaction of the Judicial Magistrate No.II, Ponneri, and on further conditions that:-



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[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the Petitioners 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 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 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 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

[f] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 B.N.S.

15.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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