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Crl.O.P.No.24508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

Crl.O.P.No.24508 of 2024

1.Vinoth @ Naina

2. Kamesh

... Petitioners

Vs.

State by
Station House Officer,
C1 Uthukottai Police Station
Uthukottai District
(Crime No. 460 of 2024).

... Respondent

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.460 of 2024 on the file of respondent police.

For Petitioners : Mr.S. Sathish Kumar

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



CrI.O.P.No.24508 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.09.2024 for the offences under Sections 331(4), and 305(a) of BNS Act 2023 Crime No.460 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners break open the door and entered into defacto complainant's rice shop and stolen goods worth about Rs.1,10,000/-. Hence, the respondent police has registered a case against the petitioner.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent 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 is in judicial custody from 05.09.2024 and is ready to abide by any conditions that may be imposed by this Court. He further submitted that the petitioners name does not found in the F.I.R. Hence, he prayed bail for the petitioners.



Crl.O.P.No.24508 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioners by stating that petitioners break open the door and entered into defacto complainant's rice shop and stolen goods worth about Rs.1,10,000/-.. He further submitted that there are no previous case pending against the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Considering the representation made on both sides, nature of offences and the fact that there are no previous case pending against the petitioners and the petitioners name does not found in the F.I.R also taking into consideration the period of incarceration undergone by the petitioners, and all other factors, this Court is inclined to grant bail to the petitioners with certain conditions:



CrI.O.P.No.24508 of 2024

WEB COPY

7. Accordingly, the petitioners are 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-cum Judicial Magistrate, Uthukottai and on further conditions that:

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, everyday at 10.30 a.m., until further orders.

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

[c] 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;

[d] 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 or tamper with the evidence;

[e] the Petitioners 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 Petitioners in accordance with



WEB COPY



Crl.O.P.No.24508 of 2024

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

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

03.10.2024

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To

- 1.The District Munsif-cum Judicial Magistrate, Uthukottai
- 2.The Station House Officer,
C1 Uthukottai Police Station
Uthukottai District
- 3.The Superintendent,
Central Prison,Vellore
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24508 of 2024

P.DHANABAL, J.

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Crl.O.P.No.24508 of 2024



WEB COPY



Crl.O.P.No.24508 of 2024

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