



Crl.O.P.No.26331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26331 of 2024

A.Manikandan

...Petitioner/Accused No.1

Vs.

State Represented by
The Inspector of Police,
Kumaralingam Police Station,
Crime No.138 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.138 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Ananthapadmanabhan

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



CrI.O.P.No.26331 of 2024

WEB COPY

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 03.07.2024 for the offences under Sections 457 and 380 of the IPC in Crime No.138 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 and other accused have committed a theft of Rs.30,000/- and 6 ½ sovereigns of gold jewels from the society that is run by the defacto complainant. Hence the complaint.

3. Learned counsel for the petitioner 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. He further submitted that the petitioner has been in custody since 03.07.2024. He 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, he prays for the grant of bail to the petitioner.



Crl.O.P.No.26331 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are two accused in this case; that the petitioner was arrayed as A1; that the petitioner/A1 and other accused have committed a theft of Rs.30,000/- and 6 ½ sovereigns of gold jewels from the society that is run by the defacto complainant. He further submitted that there are ten previous cases pending against the petitioner, in which he was acquitted from four cases; that the properties were recovered; and that investigation was completed and the charge sheet was also filed. 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, the properties were also recovered, that though the petitioner has ten previous cases, in four cases he was acquitted and in all other pending cases bail was granted to him, that the investigation was completed and the charge sheet was also filed and also considering the incarceration period undergone by the petitioner from 03.07.2024 for



more than 123 days, 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 *District Munsif cum Judicial Magistrate, Madathukulam* and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate on all working days at 10.30 a.m. for a period of thirty days;

[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 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



CrI.O.P.No.26331 of 2024

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.

23.10.2024

dk

To

- 1.The District Munsif cum Judicial Magistrate,
Madathukulam.
- 2.The Superintendent of Prison
Central Prison, Coimbatore.
- 3.The Inspector of Police,
Kumaralingam Police Station.
- 4.The Public Prosecutor
High Court of Madras.

P.DHANABAL, J.

dk



WEB COPY



CrI.O.P.No.26331 of 2024

CrI.O.P.No.26331 of 2024

23.10.2024