



Crl.O.P.No.26717 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26717 of 2024

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...Petitioner/Accused

Vs.

The State rep by its
The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

...Respondent

(Crime No.235 of 2019)

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.235 of 2019 on the file of the respondent police.

For Petitioner : Mr.V.Elangovan

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



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ORDER

The petitioner seeks bail in Crime No.235 of 2019 on the file of the respondent police, for the offences punishable under Section 394 of IPC. The petitioner has been remanded to judicial custody on 07.08.2024.

2.It is the case of the prosecution that on 07.05.2019, while the defacto complainant was proceeding on the road, the petitioner along with the other accused waylaid the defacto complainant and snatched her gold chain and ran away from the place of occurrence. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner was already granted bail, however, due to his non appearance before the Trial Court, NBW was issued. He would further submit that the petitioner has been in custody from 07.08.2024. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate (Crl. Side) for the respondent



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submitted that the petitioner along with the other accused waylaid the defacto complainant and snatched her gold chain at knife point and ran away. He would further submit that investigation has been completed and charge sheet has also been filed in C.C.No.388 of 2019. Since the petitioner did not appear before the Trial Court, he was arrested on NBW and remanded to judicial custody. He would further submit that now the case is posted for examination of witnesses. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering that the petitioner was already granted bail and thereafter, due to his non appearance before the Trial Court, NBW was issued and the same has been executed and considering the number of days of incarceration undergone by the petitioner from 07.08.2024 and considering that investigation was completed and the case is now posted for examination of witnesses, this Court is inclined to grant bail to the



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petitioner with certain conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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, Nannilam**, and on further conditions that;

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

[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;

[e] the Petitioner 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 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



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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.

25.10.2024

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To

- 1.The District Munsif cum Judicial Magistrate, Nannilam.
- 2.Central Prison, Madurai.
- 3.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.
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