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Crl.O.P.Nos.26798 & 27422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.26798 & 27422 of 2024

R.Ramesh @ Rameshkumar

... Petitioner in Crl.O.P.No.26798 of 2024

K.Bharath Kumar

... Petitioner in Crl.O.P.No.27422 of 2024

Vs.

The State represented by,
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.410 of 2024).

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.410 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.S.Sengkodi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 06.09.2024, seeking bail in Crime No.410 of 2024 registered for the offences under Sections 331(3),



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309(4), 311 @ 331(3), 309(4), 311, 317(2) of BNS.

2. The case of the prosecution is that the accused had trespassed into the de facto complainant's bakery and by threatening her at knife point, robbed ½ sovereign of gold ring, ½ sovereign of gold ear ring, silver anklets and her Vivo mobile phone and escaped in their car. 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 by the respondent for statistical purpose. She also submitted that the petitioners, who are in custody from 06.09.2024, are no way connected with the alleged offence, hence, she prayed that the petitioners may be enlarged on bail stating the petitioners are ready to abide by any stringent conditions that may be imposed by this Court,

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners along with other accused had trespassed into the de facto complainant's bakery and robbed gold jewels and mobile phone from her at knife



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point. He also submitted that four previous cases are pending against the petitioner in Crl.O.P.No.26798 of 2024 and in respect of the petitioner in Crl.O.P.No.27422 of 2024 one previous registered under NDPS Act is pending. Therefore, if they are released on bail, there is a possibility of them absconding and not available for further investigation.

5. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel appearing on either side and also taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Uthukuli**, and on further



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conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 07.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

20.11.2024

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To



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



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A.D.JAGADISH CHANDIRA., J.

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