



Crl.O.P.No.26966 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26966 of 2024

1. Premnath
2. Pasham Venkata Subba Rayudu

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Station House Officer,
Porto Novo Police Station
Cuddalore District.
(Crime No.254 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 254 of 2024 on the file of the respondent police.

For Petitioners : Mr. S.N.Arunkumar

For Respondent : Mr.S.Vinothkumar



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Government Advocate (Crl. Side)

ORDER

The learned counsel for the petitioners seeks permission of this Court to not press this petition against the second petitioner/A-2 and he has also made an endorsement to that effect in the bundle.

2. In view of the above submission and the endorsement made by the learned counsel for the petitioners, the Criminal Original Petition stands dismissed as withdrawn as against the second petitioner/A-2 .

3. The first petitioner, who was arrested on 07.10.2024 and remanded to judicial custody on the same day for the offences under Sections 319(2), 318(4) of BNS 2023, in Crime No. 254 of 2024 on the file of the respondent police, seeks bail.

4. The case of the prosecution is that the petitioner along with other



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accused had committed theft of scraps worth about Rs.4,00,000/-. Hence, the case.

5. Learned counsel for the first petitioner submitted that the first 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 and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

6. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the petitioner along with other accused had committed theft of scraps worth about Rs.4,00,000/- and there is no previous case against the first petitioner. He would further submit that the first petitioner is a lorry driver and the property has been recovered.

7. Heard both sides and perused the materials available on record.

8. Considering the submissions made on both sides, considering the



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nature of offence and also taking into consideration the period of incarceration undergone by the first petitioner and also the first petitioner has no previous case and the property has been recovered, this Court is inclined to grant bail to the first petitioner with certain conditions:

[a]. Accordingly, the first 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 court of ***District Munsif cum Judicial Magistrate, Parangipettai,*** and on further conditions that:

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] The first petitioner shall attend in accordance with the conditions of the bond;

[d] The first petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The first petitioner shall not abscond either during investigation



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or trial;

[f] the first 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 evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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

P.DHANABAL, J.

vsg



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

28.10.2024

vsg

To

1. District Munsif cum Judicial Magistrate, Parangipettai.
2. Central Prison, Cuddalore.
3. The Station House Officer,
Porto Novo Police Station
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

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