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Crl.O.P.No.27923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

Crl.O.P.No.27923 of 2024

Prakash @ Sivaprakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mettur Police Station,
Salem District.

(Crime No.184 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, pending investigation, in Crime No.184 of 2024, on the file of the respondent Police.

For Petitioner : Mr.V.Elangovan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.09.2024, seeking



CrI.O.P.No.27923 of 2024

bail in Crime No.184 of 2024 registered for the offence under Sections 296(b), 75(1)(iii), 132, 308(4), 351(3) of BNSS, 2023.

2. The case of the prosecution is that on 24.09.2024, at about 11.00 a.m, while the defacto complainant was working in the ration shop, the petitioner, along with other accused, demanded one bag of PDS rice without producing a ration card. When she refused to give rice, the petitioner abused her with filthy language and also threatened her with dire consequences. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him by using a saleswoman in the ration shop. He further submitted that it is true that the petitioner was previously a history sheeter, against whom certain cases were pending. Only for the purpose of detaining the petitioner, he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 24.09.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.27923 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioner, submitted that on the date of the alleged occurrence, the petitioner along with other accused demanded one bag of PDS rice from the defacto complainant without producing a ration card, when she refused to give rice, they abused her with filthy language and criminally intimidated her. He further submitted that the petitioner is a history sheeter against whom 8 previous cases, are pending, hence he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and 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, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.27923 of 2024

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond 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 **Judicial Magistrate No.I, Mettur** and on further 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, twice everyday at 10.30 a.m., and 5.30 p.m, until further orders;

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

[d] the petitioner 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 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];***



WEB COPY



CrI.O.P.No.27923 of 2024

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

07.11.2024

drl

To

1. The Judicial Magistrate No.I,
Mettur.
2. The Inspector of Police,
Mettur Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27923 of 2024

A.D.JAGADISH CHANDIRA.,J.

drl

Crl.O.P.No.27923 of 2024

07.11.2024