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Crl.O.P.Nos.28077 & 28081 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.28077 & 28081 of 2024

Gowtham ... Petitioner in Crl.O.P.No.28077 of 2024

Ashok Kumar ... Petitioner in Crl.O.P.No.28081 of 2024

Vs.

The State represented by,
The Inspector of Police,
Veppadai Police Station,
Namakkal District.
(Crime No.229 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.229 of 2024, pending investigation on the file of the respondent Police.

In both Crl.O.Ps.,

For Petitioners : Mr.M.Vijaya Ragavan

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

ORDER

These Criminal Original Petitions have been filed by the petitioners/A4 & A5, who were arrested and remanded to judicial custody on 26.10.2024, seeking bail in Crime No.229 of 2024 registered for the offence under Sections



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310 (2) & 311 of BNS.

2. The case of the prosecution is that the petitioners, who are arrayed as A4 and A5 respectively, along with other accused, on the instigation of A1, attacked the de facto complainant and robbed a sum of Rs.15,000/- and a cell phone from him at knife point. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the allegation against the petitioners are false and the respondent has falsely implicated the petitioners in this case. He further submitted that even as per the prosecution, the money and the cell phone were recovered, however, the petitioners are in custody from 26.10.2024. Hence, he prayed that the petitioners may be enlarged on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners herein are arrayed as A4 and A5 respectively and there are evidence to show that these petitioners have involved in the offence. He further submitted that the amount and the cell phone robbed from the de facto complainant were recovered. He also submitted that in respect of A4,



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two previous cases are pending and the petitioner/A5 in Crl.O.P.No.28081 of 2024 is concerned, there is no previous case against him, however, he opposed for granting bail to the petitioners.

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

6. Taking note of the nature of allegation and further, the cash and the cell phone were recovered and also considering the period of incarceration undergone by the petitioners, this Court is of the opinion that the further custody of the petitioners is not required for the purpose of investigation. Therefore, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Komarapalayam, Namakkal District**, and on further conditions that:



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[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 petitioners shall report before the respondent Police, everyday at 10.30 a.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 B.N.S.

11.11.2024

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To



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1. The Judicial Magistrate,
Komarapalayam, Namakkal District.
2. The Inspector of Police,
Veppadai Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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