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Crl.O.P.No.28204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.28204 of 2024

Rahulprasath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B1, Veppadai Police Station,
Namakkal District.
(Crime No.229 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.229 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.P.Meenakshi Sundaram

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on 26.10.2024, seeking bail in Crime No.229 of 2024 registered for the offence under Sections 310 (2) & 311 of BNS.



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2. The case of the prosecution is that the petitioner/A3 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 petitioner submitted that the petitioner, aged about 21 years, is an innocent person and he has been falsely implicated in this case. He also submitted that even as per the prosecution, the robbed amount and a cell phone have been recovered, however, the petitioner is in custody from 26.10.2024. He further submitted that the similarly placed co-accused/A4 & A5 have been granted bail by this Court in Crl.O.P.No.28077 & 28081 vide order dated 11.11.2024 and the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner along with other accused had robbed a sum of Rs.15,000/- cash and a cell phone from the de facto complainant at knife point. He also submitted that the amount and the cell phone robbed from the de facto complainant were



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recovered from the accused. He further submitted that there are evidence to show that the petitioner has involved in the offence and also submitted that one previous case is pending against 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 submissions made by the learned counsel on either side and taking note of the facts that the cash and the cell phone were recovered and the similarly placed co-accused have been granted bail by this Court and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Komarapalayam**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.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]*;

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

12.11.2024

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To



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1. The Judicial Magistrate,
Komarapalayam.
2. The Inspector of Police,
B1, Veppadai Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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