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Crl.O.P.No.28245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28245 of 2024

Karumbayaram @ Karumbairam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kunnam Police Station,
Kunnam, Perambalur District

(Crime No.479 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.479 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.P.Venkatakrishnan

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 09.10.2024, seeking bail in Crime No.479 of 2024 registered for the offence under Sections 309(4) & 311 of BNS.



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2. The case of the prosecution is that the accused had waylaid the de facto complainant and at knife point, robbed his motorcycle and escaped from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has some previous cases. He further submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.28220 of 2024 dated 14.11.2024 and hence, he prayed for grant of bail to the petitioner, who is in custody from 09.10.2024, stating that the petitioner is 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 objecting for grant of bail to the petitioner, submitted that the petitioner/A1 along with A2 had robbed the motorcycle worth about Rs.25,000/- from the de facto complainant. He further submitted that six previous cases are pending against the petitioner, therefore, if he is released on bail, there is a possibility of him absconding and not available for further investigation.



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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that the co-accused has been released on bail by this Court and also considering the period of incarceration undergone by 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**, each for a like sum to the satisfaction of the learned Principal **District Munsif cum Judicial Magistrate, Kunnam**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m and 06.30 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]***;

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

20.11.2024

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To

1. The Principal District Munsif cum Judicial Magistrate,
Kunnam.
2. The Inspector of Police,
Kunnam Police Station,
Kunnam, Perambalur District.
3. The Superintendent,
Central Prison, Tiruchirapalli.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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