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Crl.O.P.No.28521 & 28522 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

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

Crl.O.P.No.28521 & 28522 of 2024

Devanathan @ Deva

... Petitioner/A1 in
Crl.O.P.No.28521 of 2024

Sabarinathan

... Petitioner/A4 in
Crl.O.P.No.28522 of 2024

Vs.

The State represented by,
The Station House Officer,
Thirupapuliyur Police Station,
Cuddalore District.

(Crime No.380 of 2024).

... Respondent in
both Crl.O.Ps

Common prayer: Criminal Original Petitions filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail in Crime No.380 of 2024 on the file of the respondent police.

(In both Crl.O.Ps)

For Petitioner : Mr.R.Sasikumar

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



COMMON ORDER

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This Criminal Original Petitions have been filed by the petitioner in both criminal original petitions, who were arrested and remanded to judicial custody on 22.10.2024, seeking bail in Crime No.380 of 2024 registered for the offence under Sections 310(4) of BNS, 2023.

2. The case of the prosecution is that on 22.10.2024 at about 12.00 hrs, the petitioners along with the other accused were found to make preparation to commit dacoity. Hence, the case.

3. Learned counsel appearing for the petitioner in both the criminal original petition submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody from 22.10.2024 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioners along with the other accused had planned to



commit dacoity. He further submitted that A1 is having ten previous cases and A4 is having two previous cases against them.

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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 into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner in both the criminal original petitions with certain conditions.

7. Accordingly, the petitioner in both the criminal original petition are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Cuddalore**, 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 petitioners shall appear before respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioners shall not tamper with evidence or witness during 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

14.11.2024

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To



1. The Judicial Magistrate No.III, Cuddalore.

2.The Station House Officer,
Thirupapuliur Police Station,
Cuddalore District.

3.Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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