



WEB COPY



Crl.O.P.No.28322 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

Crl.O.P.No.28322 of 2024

Sakthivel

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Neyveli Thermal Police Station,
Cuddalore.
(Crime No.231 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.231 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Anandharaj

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 29.10.2024, seeking bail in Crime No.231 of 2024 registered for the offence under Section 310(4) of BNS.



Crl.O.P.No.28322 of 2024

WEB COPY

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they have seen that the accused were making preparation for committing dacoity. The respondent has arrested the accused and from them, weapons were recovered. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 20 years, is an innocent person and he has not committed any offence as alleged by the prosecution, however, he was arrested by the respondent on 29.10.2024. He further submitted that the petitioner 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 petitioner along with other accused was arrested while they were making preparation for committing dacoity along with weapons. He further submitted that three previous cases are pending against the petitioner.



Crl.O.P.No.28322 of 2024

WEB COPY

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 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**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Neyveli**, 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



CrI.O.P.No.28322 of 2024

respondent Police, everyday at 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 B.N.S.

13.11.2024

ham



Crl.O.P.No.28322 of 2024

WEB COPY

To

1. The District Munsif cum Judicial Magistrate,
Neyveli.
2. The Station House Officer,
Neyveli Thermal Police Station,
Cuddalore.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28322 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28322 of 2024

13.11.2024