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Crl.O.P.No.28462 of 2024

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.28462 of 2024

M.Kannan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karipatti Police Station,
Salem District.

(Crime No.804 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.804 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Sundarapandiyan

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 24.10.2024, seeking bail in Crime No.804 of 2024 registered for the offence under Sections 309(4), 311 and 351(3) of BNS, 2023.



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2. The case of the prosecution is that on 24.10.2024 at about 7.00 a.m., when the defacto complainant was going to work, the petitioner waylaid the defacto complainant and robbed Rs.1,900/- at knife point. Hence, the case.

3. Learned counsel appearing for the petitioner 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 24.10.2024 and is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner robbed Rs.1,900/- from the defacto complainant by brandishing a knife. He further submitted that the petitioner is a history sheet against whom three previous cases are pending. Hence, he opposed for grant of bail.

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. Considering the facts and circumstances, nature of allegations and 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate Court, Valapadi**, 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 appear before the II Additional District Judge, Salem, on all working days at 10.30 a.m., until further orders and to appear before the respondent police on every Saturday 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



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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.

14.11.2024

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To

1. Additional District Judge, Salem.
- 2.The District Munsif cum Judicial Magistrate Court, Valapadi.
- 3.The Inspector of Police,
Karipatti Police Station,
Salem District.
- 4.The Sub Jail,, Aatur.
- 5.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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