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Crl.O.P.No.30022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

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

Crl.O.P.No.30022 of 2024

Chandraprakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
(Crime No.410 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with the Crime No.410 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

Petition seeking bail in respect of Crime No.410 of 2024 registered for the offences punishable under Sections 313(3), 309(4), 311 of BNS is on board for consideration.



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2. The incarceration of the petitioner/A4 being from 05.09.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is in no way connected with the alleged offence as stated by the prosecution and even the name of the petitioner does not find place in the First Information Report, however, he was implicated in this case since he has several previous cases against him. He further submits that the co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.26798 & 27422 of 2024 dated 20.11.2024. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had trespassed into the de facto complainant's bakery and by threatening her at knife point, robbed ½ sovereign of gold ring, ½ sovereign of gold ear ring, silver anklets and her Vivo mobile phone and escaped in their car. He also submits that all the stolen articles were recovered and the investigation is still pending. He further submits that nine previous cases are pending against the petitioner/A4 and therefore, if the petitioner is released on



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bail, there is a possibility of him absconding and not available for further investigation.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioner and that the co-accused have been released on bail, this Court is inclined to grant bail to the petitioner with certain conditions and 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, Uthukuli**, 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 respondent Police, everyday at 06.30 p.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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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.

02.12.2024

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To

1. The District Munsif cum Judicial Magistrate,
Uthukuli.
2. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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