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CRL O.P. No.31121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.31121 of 2024

Ajithkumar S/o. Kumar

... Petitioner / Accused No.3

Vs

State rep. by:-

The Inspector of Police,
Ambalur Police Station,
Ambalur, Tirupathur District.
[Cr. No.299 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.299 of 2024 on the file of the respondent police.

For Petitioner : Mr. G. Vinodhkumar

For Respondent : Mr. S. Balaji,
Government Advocate (Criminal side)

ORDER

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 11.11.2024 for the offence punishable under Sections



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304(2) @ 310(2) of B.N.S. in Cr. No.299 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 21.09.2024 at about 4.30 p.m., when the defacto complainant Gopal and one Udhaya, were standing at Service Road, Puthukoil Flyover, near Karur Vysya Bank, the petitioner along with other accused came there in two wheeler and snatched the defacto complainant's 2 sovereigns of gold chain from his neck and also snatched Udhaya's Oppo F21 Pro Mobile. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Section 304(2) @ 310(2) of B.N.S. The petitioner is an innocent and he is nothing to do with the alleged offences. He is in judicial custody from 11.11.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that on 21.09.2024 at about 4.30 p.m., the petitioner along with other



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accused have snatched the defacto complainant's 2 sovereigns of gold chain from his neck and also snatched Udhaya's Oppo F21 Pro Mobile, when they were standing Service Road, Puthukoil Flyover, near Karur Vysya Bank. Property has not yet been recovered. Only two wheeler has been recovered. There are 22 previous cases pending against the petitioner. Hence, he strongly opposed to grant bail to the petitioner. However, he admitted that the co-accused were arrested and released on bail.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that the petitioner is in judicial custody from 11.11.2024, co-accused were arrested and released on bail, though the petitioner has so many previous cases, in all the cases, he was granted bail, even as per the prosecution, there is no specific overt act attributed as against this petitioner in this case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



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condition to execute 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 learned **Judicial Magistrate, Vaniyambadi** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned



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Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

17.12.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J
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To

- 1.The Judicial Magistrate, Vaniyambadi
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Ambalur Police Station, Ambalur, Tirupathur District.
4. The Superintendent of Police, Central Prison, Vellore.

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