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Crl.O.P.No.31484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.31484 of 2024

Lambotharan

... Petitioner/ Accused

Vs.

The State represented by,
The Inspector of Police,
N-4, Fishing Harbour Police Station.
(Crime No.373 of 2024).

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.373 of 2024, on the file of the respondent Police.

For Petitioner : Mr. K. Vignesh

For Respondent : Mr. S. Santhosh
Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded on 16.11.2024, seeking bail in Crime No.373 of 2024 registered for the offence under Sections 310(4) and 310(5) of BNS.



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2. The case of the prosecution is that, the respondent police on 16.11.2024, found the petitioner along with other accused persons were planning to commit dacoity in a fishing boat and when they saw the police, they tried to escape from the place and the respondent police have arrested the petitioner/A1 and another one Susairaj/A2. Hence, this case.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 16.11.2024 and he is also ready to abide by any other 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 submitted that the petitioner and other accused were planning to commit dacoity in the jurisdiction of the respondent police and at that time, the respondent police have arrested the petitioner and another one co-accused. He also submits that the petitioner has 7 previous cases, therefore, he opposed for granting bail to the petitioner.



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5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, nature of offence and period of incarceration, 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, out of which, one surety shall either be father or mother of the petitioner**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate at George Town, Chennai**, 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 petitioner shall report before the 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 of B.N.S.

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To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-4, Fishing Harbour Police Station.
3. The Central Prison,
Puzhal – II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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