



WEB COPY



Crl.O.P.No.31742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.31742 of 2024

Asraf Ali

... Petitioner

Vs.

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

(Crime No.37 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 Crime No.37 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate

ORDER

Petition seeking bail in respect of Crime No.37 of 2024 registered for the offences punishable under Sections 309(4), 311 & 351(3) of BNS, is on board for consideration.



Crl.O.P.No.31742 of 2024

2. The incarceration of the petitioner being from 01.11.2024 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 further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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 while the defacto complainant and his brother were talking, the petitioner along with other accused came in an auto and threatened them with knife point and snatched 2½ sovereigns of gold. He further submitted that the property has been recovered. However, the petitioner has got two previous cases, therefore, if the petitioner is released on 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, this court is inclined to grant bail to the petitioner



CrI.O.P.No.31742 of 2024

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, of which one should be a blood related surety**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Salem** 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 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 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]***;



WEB COPY



Crl.O.P.No.31742 of 2024

A.D.JAGADISH CHANDIRA.,J.

Anu

[f] If the accused thereafter abscond, a fresh FIR can
be registered under Section 269 of B.N.S.

19.12.2024

Anu

To

1. The Judicial Magistrate-I, Salem
2. The Inspector of Police,
Salem Town Crime Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.31742 of 2024