



CRL OP(MD). No.18699 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18699 of 2024

Balachandar,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
Cr.No.803 of 2024..

... Respondent/ Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.803 of 2024 on the file of the respondent police.



CRL OP(MD). No.18699 of 2024

ORDER: The Court made the following order :-

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The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 04.09.2024 for the alleged offence under Sections 332(c), 309(4), 311 of BNS in Crime No.803 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons barged into the shop and robbed 18 ½ sovereigns of jewels from the *defacto* complainant at knife point. There are two accused persons in this case and the petitioner has been arrayed as Accused No.2

3.The learned Government Advocate (Criminal side) appearing for the respondent Police submitted that the accused persons were involved in a daylight robbery and that both the accused persons were arrested and Identification Parade has already been conducted in this case. The learned Government Advocate (Criminal Side) further submitted that the entire jewels that were stolen has been recovered in the course of investigation. It was further submitted that there is no previous case against this petitioner, who has been arrayed as Accused No.2.

4.The learned counsel appearing for the petitioner submitted that the petitioner had earlier filed bail petition before this Court in Crl.O.P.(MD).No.16995 of 2024 and the same was dismissed as withdrawn by an order dated 04.10.2024. He further submitted that the petitioner is now confined at Sub Jail, Pudukottai.



CRL OP(MD). No.18699 of 2024

However, it has been mentioned in the petition as if the petitioner is confined in Central Prison, Trichy. The learned counsel appearing for the petitioner submitted that the change in circumstance is that the investigation has been completed and the Police report has been filed. Therefore, the learned counsel requested this Court to enlarge the petitioner on bail by imposing stringent conditions.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the entire stolen property has been recovered and the petitioner has suffered incarceration from 04.09.2024 onwards and there are no previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, out of which one surety shall be a blood relative each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur 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 respondent Police daily at 10.30 a.m. and 05.30 p.m until further orders.



CRL OP(MD). No.18699 of 2024

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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 229A IPC.

Sd/-
06/11/2024

/ TRUE COPY /

07/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



CRL OP(MD). No.18699 of 2024

3 THE INSPECTOR OF POLICE,
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, PUDHUKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-13679[I] dated 07/11/2024)

ORDER
IN

CRL OP(MD) No.18699 of 2024

Date :07/11/2024

SS/SAR- /07/11/2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023