



CRL OP(MD). No.19034 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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M.Raja,

... Petitioner/3rd Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thanjavur South Police Station,
Thanjavur.

Crime No.362/2024..

... Respondent/Complainant

For Petitioner : Mr.M.Yesudasan, Advocate.

For Respondent : Mr.S.Ravi,

Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.362/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 11.09.2024 for the alleged offence under Sections 331(4), 305, 309 (6) of

BNS in Crime No.362 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 15.08.2024, at about 12.10 hours, the accused persons barged into the house of the defacto complainant and tied her with a cloth and committed robbery of her jewels and articles. After the incident, during the regular surveillance that was conducted, Accused Nos.1 to 3 were intercepted and they were found in possession of jewels and articles. In the meantime, a complaint was also lodged to the respondent Police and an FIR came to be registered in Crime No.362 of 2024 for the alleged offences under Sections 331(4), 305 and 309(6) of BNS (hereinafter referred as New Penal Code). There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.3

3. The learned counsel for the petitioner submitted that even as per the First Information Report two accused persons were actually involved in the crime inside the house and the petitioner is alleged to have been involved in surveillance in that place and assisted Accused Nos.1 and 2 in committing the crime. The learned counsel appearing for the petitioner submitted that yet another accused person, who is also similarly placed, was enlarged on bail by this Court in CrI.O.P.(MD).No.18498 of 2024 by an order dated 29.10.2024.

4. Per contra, learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner on the ground that Accused Nos.1 to 3 had barged into the house of the defacto complainant and tied her with a cloth and robbed jewellery



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and other articles. The learned Additional Public Prosecutor further submitted that the petitioner was also involved in the incident. The learned Additional Public Prosecutor further submitted that investigation has been completed and a final report has also been filed before the learned Judicial Magistrate No.I, Thanjavur and the same is taken on file in P.R.C.No.43 of 2024.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that investigation has also been completed and a final report has already been filed before the learned Judicial Magistrate No.I, Thanjavur and there are no previous cases against the petitioner and the petitioner has also suffered incarceration from 11.09.2024, this Court is inclined to grant bail to this 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 learned Judicial Magistrate No.I,



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Thanjavur, daily at 10.30 a.m. until further orders.

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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/-
05/11/2024

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05 / 11 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE
NOI, THANJAVUR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

3 THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR.

4 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.

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

ORDER
IN
CRL OP(MD) No.19034 of 2024
Date :05/11/2024

PSP/ /SAR /05.11.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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