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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). Nos.20187 & 19703 of 2024

Bala Ganesh

... Petitioner/ Accused Rank Not Known
in Crl.O.P.(MD).No.20187 of 2024

Moorthy

... Petitioner/ Accused Rank Not Known
in Crl.O.P.(MD).No.19703 of 2024

Vs

The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
Crime No. 159/2024

... Respondent/ Complainant
in both petitions

IN BOTH PETITIONS

For Petitioners : Mr.S.Vishnuvardhan, Advocate.

For Respondent : Mr.S.Ravi, Addit ional Public Prosecutor

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For Bail in Crime No. 159 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioner in Crl.O.P.(MD).No.20187 of 2024, who was arrested and
remanded to judicial custody on 22.10.2024 and the petitioner in Crl.O.P.(MD).

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No.19703 of 2024 was arrested and remanded to judicial custody on 27.09.2024 for the offence under Section 310(2) of BNS Act in Crime No.159 of 2024 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant is working in a private company and on 18.08.2024, at about 01.20 a.m., he was sleeping near the wind farm vehicle and at that point of time, six accused persons came in two two-wheelers and robbed a sum of Rs.8,200/- from the defacto complainant. The petitioners have been arrayed as Accused Nos.5 and 2 respectively.

3. The learned Additional Public prosecutor appearing for the respondent Police submitted that out of a total sum of Rs.8,200/- only a sum of Rs.1800/- was able to be recovered. He further submitted that all the accused persons were arrested in this case and one accused was a juvenile and therefore, the case was referred to the Juvenile Court. He further submitted that there are four previous cases against Accused No.5 and 13 previous cases against Accused No.2.

4. Per contra, the learned counsel appearing for the petitioners submitted that the petitioners have been falsely roped in this case and that they have nothing to do with the alleged offence. He further submitted that Accused No.5 has suffered incarceration from 22.10.2024 and Accused No.2 has suffered incarceration from 27.09.2024. It is also brought to the notice of this Court that Accused No.4 was



already released on bail by the Sessions Court.

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5. In reply to the above submission, the learned Additional Public Prosecutor submitted that Accused No.4 did not have any previous case and the same was taken into consideration while enlarging him on bail.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners and considering the previous cases against them, this Court is not inclined to enlarge the petitioner in Crl.O.P.(MD).No.19703 of 2024 on bail. However, in Crl.O.P.(MD).No.20187 of 2024 where the petitioner has been arrayed as Accused No.5, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, Crl.O.P.(MD).No.20187 of 2024 is ordered and the petitioner is ordered to be released on bail on executing 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, Ottapidaram 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 daily at 05.30 p.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 269 of BNS, 2023.

8. In the result, Crl.O.P.(MD).No.20187 of 2024 stands allowed and Crl.O.P.(MD).No.19703 of 2024 stands dismissed.

sd/-

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25/11/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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1 THE JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PERAURANI, THOOTHUKUDI.

4 THE INSPECTOR OF POLICE, OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL OP(MD). Nos.20187 & 19703 of 2024

Date :25/11/2024

RS/IT/SAR-(25.11.2024) 5P 6C

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