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Crl.O.P.No.2126 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

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

Crl.O.P.No.2126 of 2025

Prakash

... Petitioner/A5

Vs.

The State represented by
The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.
(Crime No.337 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail in connection with the Crime
No.337 of 2024 on the file of the respondent Police.

For Petitioners : Mr.M.Venkatesh

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

ORDER

Petition seeking bail in respect of Crime No.337 of 2024
registered for the offence punishable under Section 309(4) and
subsequently altered to one under Section 310(2) of BNS, 2023 is on
board for consideration.



2. The incarceration of the petitioner being from 17.12.2024 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 also submits that the main accused has also been arrested and the petitioner is arrayed as A5 and he has been arrested based on the confession statement given by A1 and he is no way connected with the alleged offence of robbery and he is ready to abide by any stringent condition that may be imposed by this court.

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 A1 colluding with other accused had sold the bike to the defacto complainant for a sum of Rs.40,000/- without number plate and RC Book and the defacto complainant when questioned about the RC book, the accused threatened him and had stolen Rs.19,000/- and the bike, which was sold by them, from him. He further submits that there is no previous case against the petitioner.

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 also considering that there is no previous case against the petitioner, this court is inclined to grant bail to the petitioner 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, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thirukoilur**, 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 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 petitioners in accordance with law as if the conditions



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have been imposed and the petitioners 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.

05.02.2025

raa

To

- 1.The Judicial Magistrate, Thirukoilur.
- 2.The Inspector of Police, Rishivandiyam Police Station, Kallakurichi District.
- 3.The Superintendent, Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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