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Crl.O.P.No.7037 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7037 of 2025

Raja

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
R-7, Chettipalayam Police Station,
Coimbatore.

(Crime No.449 of 2024)

... Respondent

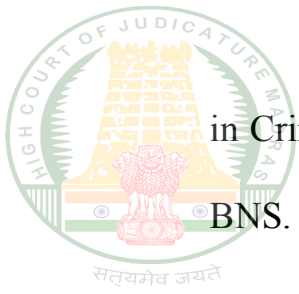
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.449 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 13.12.2024, seeking bail



in Crime No.449 of 2024 registered for the offence under Section 309(4) of the Indian Penal Code (BNS).

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2.It is the case of the prosecution that while the defacto complainant was travelling in his two-wheeler, the petitioner had waylaid the defacto complainant and asked for money; that when the defacto complainant refused the same, the accused threatened him and robbed Rs.1,000/- and his mobile phone at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false and the stolen article has been recovered; that the petitioner is in custody from 13.12.2024 and that in any case, considering the period of incarceration, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the cash and the mobile phone have been recovered and that the petitioner has four previous cases and he is on bail in all the previous cases.



5. Heard the learned counsel on either side and perused the materials available on record.

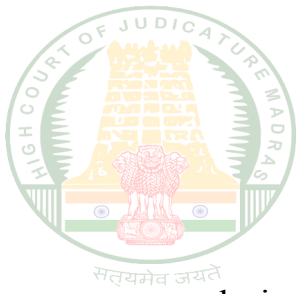
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6. Considering the nature of allegations, period of incarceration, the fact that the stolen article and cash have been recovered, the petitioner is on bail in all the previous cases and since further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **District Munsif cum Judicial Magistrate, Madukkarai**, 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;



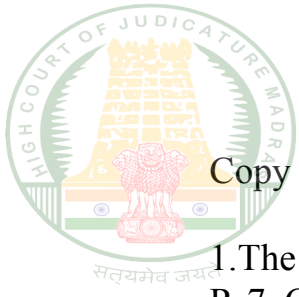
- [c] the petitioner shall not abscond either during investigation or trial,
- [d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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]***;

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

12.03.2025

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Copy to:

1. The Inspector of Police,
R-7, Chettipalayam Police Station,
Coimbatore.

2. The District Munsif cum Judicial Magistrate, Madukkarai.

3. The Superintendent of Prison,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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