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Crl.O.P.No.11719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11719 of 2025

M.Raja

... Petitioner

Vs.

The State of Tamil Nadu Rep by its,
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
in Crime No.549 of 2024.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.549 of 2024, on the file of the respondent police.

For Petitioner : Mr.R.Raji

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

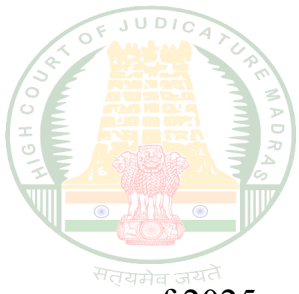
The petitioner, who was arrested and remanded to judicial custody on 26.09.2024 for the offences punishable under Sections 331(4), 305 and 62 of BNS, 2023 in Crime No.549 of 2024 on the file of the respondent police, seeks



2. The case of the prosecution is that the petitioner along with co-accused alleged to have broke open the house of the de-facto complainant in an attempt to commit theft. Hence the case.

3. The contention of the learned counsel for petitioner is that since the petitioner has got some previous cases, a false case has been registered against the petitioner. In this case, the alleged occurrence took place on 27.08.2024 but complaint lodged only on 18.09.2024. The Lower Court citing previous cases against the petitioner, dismissed the bail application filed by the petitioner. Further it is only an attempt, no theft or robbery committed. He further submitted that the petitioner is in judicial custody from 26.09.2024 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner stating that the petitioner has got several previous cases of similar nature. The petitioner broke open the de-facto complainant's grill door, entered the house, ransacked bureau but unable to find any valuables. He further submitted that the petitioner along with two others are facing trial in C.C.No.14



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of 2025 on the file of learned Judicial Magistrate, Dharapuram.

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5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the fact that it is only an attempt to commit theft and there is a delay in lodging the complaint, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Dharapuram**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause



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any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

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

02.06.2025

rsi

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

1. The Judicial Magistrate,
Dharapuram.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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