



WEB COPY



CRL O.P. No.17018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.17018 of 2024

G. Rettaimalai Srinivasan
S/o. Gajendran

... Petitioner / Accused
Vs

State rep. by:-

The Inspector of Police,
Pattabiram Police Station,
Avadi City - Tiruvallur.
[Cr. No.352 of 2024]

... Respondent

For Petitioner : Mr. K. Prabakaran
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.352 of 2024 on the file of the respondent police.



CRL O.P. No.17018 of 2024

ORDER

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.05.2024 for the offences punishable under sections 341, 294(b), 323, 392, 397 and 506(ii) of IPC in Crime No.352 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.05.2024 at around 11.15 p.m., when the defacto complainant returned to his home from Ambattur to Pattabiram, on the way of Vallalar Nagar, the petitioner restrained the defacto complainant, assaulted and threatened him with dire consequences, that apart he robbed a sum of Rs.1,200/- at a knife point. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is in judicial custody since 30.05.2024 and he has been falsely implicated in this case. He has not committed any offence as alleged by the respondent police. The petitioner is ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would



CRL O.P. No.17018 of 2024

submit that on 29.05.2024 at around 11.15 p.m., the petitioner restrained the defacto complainant with criminal intent, abused him with filthy language, assaulted and robbed a sum of Rs.1,200/- at knife point and he also threatened the defacto complainant with dire consequences. The property was recovered. Though the petitioner was released on bail in all the 20 previous cases, he is a habitual offender. Hence he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that the in all the 20 previous cases, the petitioner was granted bail, considering the fact that the material object was recovered and taking into consideration the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, each of the petitioners is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction



CRL O.P. No.17018 of 2024

of the learned **Judicial Magistrate Court No.II, Tiruvallur** and on further conditions that:

[b] the petitioner shall report before the Kancheepuram Police Station daily at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

12.08.2024



CRL O.P. No.17018 of 2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

To

1.The Judicial Magistrate Court No.II, Tiruvallur.

2. The Inspector of Police,
Pattabiram Police Station,
Avadi City - Tiruvallur.

3.The Superintendent,
Central Prison, Puzhal-II, Chennai.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

mjs



WEB COPY



CRL O.P. No.17018 of 2024

CRL.OP.No.17018 of 2024

12.08.2024