



Crl.O.P.No.18880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.18880 of 2024

Karthick @ Avathar Karthick

...Petitioner/Accused-2

Vs.

The State rep by its
The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.
(Crime No.244 of 2024)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.244 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Surendran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.07.2024 for the offences under Sections 126(2), 296(b), 309(4), 311, 351(3) of BNS in Crime No.244 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has waylaid the defacto complainant and robbed a sum of Rs.2,100/- at knife point. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that co-accused have been released on bail. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate submitted that the petitioner has waylaid the defacto complainant and robbed a sum of Rs.2,100/- at knife point. He further submitted that there are 18 previous cases against the



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petitioner and in some of the cases, he has obtained bail. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering the fact that the co-accused have been granted bail and considering the period of incarceration undergone by the petitioner and considering that though there was previous cases pending against the petitioner, he has been released on bail in many of the cases, I am 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that :-



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- [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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the jurisdictional Magistrate on every working day 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 229A IPC.

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To

1.The XVIII Metropolitan Magistrate, Saidapet, Chennai.

2.Central Prison – II, Puzhal, Chennai.

3.The Inspector of Police,
E-3, Teynampet Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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