



Crl.O.P.No.19200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19200 of 2024

1. Vela @ Vadivel

2. Stephen Raj ...Petitioners/Accused – A2 and A5

Vs.

The State rep by
The Inspector of Police,
C2 - Elephant Gate Police Station,
Chennai.
(Crime No.1255 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail pending trial in S.C.No.372/2022 on the file of the XX Additional Sessions Court at Chennai.

For Petitioners : Mr.R.Gangadharan

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



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ORDER

The petitioners seek bail in S.C.No.372 of 2022 in Crime No.1255 of 2021 on the file of the XX Additional Sessions Judge, Chennai, for the offences under Section 397 of the IPC. The petitioners have been remanded to judicial custody on 15.07.2024 on execution of the NBW issued against them on 24.01.2024.

2. The case of the prosecution is that the petitioners intercepted the defacto complainant and robbed him of his mobile phone and Rs.1500/- cash. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that due to the health issues of the petitioners, they could not appear before the Trial Court, as a result of their non-appearance, NBW was issued. Hence, he prays for grant of bail to the petitioners.



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4.Learned Government Advocate (Crl.Side) submitted that the petitioners waylaid the defacto complainant and robbed Rs.1,500/- cash and a mobile phone from the defacto complainant. He further submitted that NBW was issued against the petitioners on 24.01.2024 and the same was executed on 15.07.2024. He further submitted that out of eight witnesses, four have also been examined. However, he vehemently opposed granting bail to the petitioners.

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

6. Considering the rival submissions on either side, the fact that bail was already granted to the petitioners and due to their non-appearance NBW was issued and executed and also considering that most of the witnesses have been examined and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) each with two sureties, each for a like sum to the satisfaction of the

XX Additional Sessions Judge, Chennai, and on further conditions that:

**[a] the petitioners shall report before the Trial Court
everyday at 10.30 a.m., until further orders.**

[b] the petitioners shall not abscond either during
investigation or trial;

[c] the petitioners shall not tamper with evidence or
witness either during investigation or trial;

[d] 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 have been imposed and
the petitioners released on bail by the learned
Magistrate/Trial Court themselves 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 BNS.

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To



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1.The XX Additional Sessions Judge,
Chennai.

2.Central Prison, Puzhal,
Chennai.

3.The Inspector of Police,
C2 - Elephant Gate Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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