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CRL O.P. No.19588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19588 of 2024

Akash

... Petitioner / Accused

Vs

State rep. by:-

The Sub Inspector of Police,
Nazarethpet Police Station,
Tiruvallur District.

... Respondent

[Cr. No.292 of 2024]

For Petitioner : Mr.A.Tamilselvan

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 enlarge the petitioner on bail in Crime No.292 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under Sections 126(2), 296(b), 309(4), 351(3) of BNSS, 2023, in Crime No.292 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.07.2024, the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.12000/- at knife point. Hence, the case.

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

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused waylaid the defacto complainant and snatched Rs.12000/-. He would further submit that there are three previous cases against the petitioner. Hence, he raised objection for granting bail to the petitioner.



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

6. Considering the representation made on both side counsel and considering the fact that co-accused was released on bail and taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner 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 of the **Judicial Magistrate No.I, Poonamallee**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

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

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



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[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.

14.08.2024

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To

1.The Judicial Magistrate No.I, Poonamallee.

2.The Sub Inspector of Police,
Nazarethpet Police Station,
Tiruvallur District.

3.Central Prison II, Puzhal, Chennai.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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