



WEB COPY



CrI.O.P.No.19608 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19608 of 2024

T.Elan Chezhiyan

... Petitioner

Vs.

State represented by,
The Inspector of Police
R-3, Ashok Nagar Police Station,
Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail in connection with Crime No.201 of
2024 on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.07.2024, for the alleged offences punishable under Section 126(2),
296(b), 118(1), 125, 311, 351(3) of BNS, in Crime No.201 of 2024, on the



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file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.07.2024 at about 12.30 a.m, the petitioner along with other accused persons waylaid the defacto complainant and robbed Rs.1,150/- from him at knife point. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the co-accused was also released on bail before the Principal Sessions Judge, Chennai on 24.07.2024. He would further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner along with other accused waylaid the defacto complainant and demanded money from him, when he



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refused the same, the accused abused him in filthy language and robbed Rs.1,150/- at knife point. He further submitted that the petitioner has 13 previous cases, pending against him and thereby, he vehemently, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner and taking note of the fact that the co-accused was released on bail, and also considering that the petitioner has 13 previous cases, in all of the cases, he has been released on bail and also considering all other factors, I am inclined to grant bail to the petitioner, subject to 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 XV Metropolitan Magistrate Court, George Town, Chennai, and on further



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conditions that:-

[a] the petitioner shall report before the Chengalpet Police Station, everyday at 10.30 a.m., until further orders.

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

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

16.08.2024

drl



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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police
R-3, Ashok Nagar Police Station,
Chennai
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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