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CRL O.P. No.20368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20368 of 2024

Rogini @ Balamurugan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
R-7, KK Nagar Police Station,
Chennai District.

... Respondent

[Cr. No.145 of 2024]

For Petitioner : Mr.K.Vignesh

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. 145 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offences punishable under Section 309(4) of BNSS, in Crime No.145 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 07.07.2024 at about 03.30 a.m., when the defacto complainant walking near Lakhsmi Mahar, after having tea, the petitioner waylaid the defacto complainant and snatched his gold chain. 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 there is no previous case against the petitioner and the property has been recovered. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner waylaid the defacto complainant and



snatched his gold chain. He would further submit that there are no previous cases pending against the petitioner and the gold chain was also recovered. However, he opposed to grant bail to the petitioner.

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

6. Considering the fact that there is no previous case pending against the petitioner and the property was also recovered 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 **XXIII Metropolitan Magistrate, Saidapet**, and on further conditions that:

[b] the Petitioner shall report before the respondent police everyday 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.



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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.

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To

- 1.The XXIII Metropolitan Magistrate, Saidapet.
- 2.The Inspector of Police,
R-7, KK Nagar Police Station,
Chennai District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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