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CRL O.P. No.20209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20209 of 2024

1.Mohana Selvan

2.Jaya Surya @ M.R.Radha

... Petitioners / Accused-1 & 2

Vs

State rep. by:-

The Inspector of Police,
Madhavaram Police Station,
Chennai.

... Respondent

[Cr. No.479 of 2024]

For Petitioners : Mr.O.Chembulingam

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 petitioners on bail in Crime No. 479 of 2024 on the respondent police.



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.07.2024 for the offences punishable under Sections 126(2), 296(b), 311 & 351(3) of BNSS in Crime No.479 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that the petitioners along with the other accused waylaid the defacto complainant, threatened him and attempted to take money from his pocket at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are only demanded money from the defacto complainant and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally four accused in this case, in which the



petitioners are arrayed as A1 and A2. He would further submit that the first petitioner has no previous case against him and the second petitioner has six previous cases against him. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. Considering the nature of offence and also taking into consideration the number of days of incarceration undergone by the accused and that there is no previous case against A1 and though A2 having six previous cases, in all the cases, he has been released on bail and all other aspects, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Madhavaram**, and on further conditions that:

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.



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

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

[e] the petitioners 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 petitioners 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 479 B.N.S.

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To

- 1.The District Munsif cum Judicial Magistrate, Madhavaram.
- 2.The Inspector of Police,
Madhavaram Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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