



CrI.O.P.No.20836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.20836 of 2024

Ajith @ Jayakanth

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
K-3, Aminjikarai Police Station
Chennai

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in C.C.No.2789/2022 on the file of the V Metropolitan Magistrate, Egmore, Chennai in Cr.No.162 of 2022 on the file of the Inspector of Police, K-3, Aminjikarai Police Station, Chennai.

For Petitioner : Mr.R.Muthukumar

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

ORDER



CrI.O.P.No.20836 of 2024

WEB COPY

The petitioners seek bail in C.C.No.2789/2022 on the file of the V Metropolitan Magistrate, Egmore, Chennai District in Cr.No.162 of 2022 on the file of the respondent police, for the offences punishable under Section 379 of the IPC. The petitioner has been arrested and remanded to judicial custody on 06.05.2024 under P.T.Warrant on execution of the NBW issued against the petitioner on 07.02.2024.

2. The case of the prosecution is that on 07.03.2022, the petitioner along with the other accused stole the cycles from the defacto complainant's shop in M.M.Colony, Amanjikarai, Chennai. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the petitioner's detainment under Act 14 of 1982, the petitioner could not appear before the Trial Court, as a result of his non-appearance, NBW was issued. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.20836 of 2024

WEB COPY

4.Learned Government Advocate (Crl.Side) submitted that the petitioner along with the other co-accused had stole the bicycle from the defacto complainant's shop. He further submitted that NBW was issued against the petitioner on 07.02.2024 and the same was executed on 06.05.2024. He further submitted that there are two previous cases are pending as against the petitioner. He added that the case is in argument stage. However, he vehemently opposed granting bail to the petitioner.

5.Considering the rival submissions on either side, the fact that bail was already granted to the petitioner and due to the detainment of the petitioner under Act 14 of 1982, NBW was issued and executed and also considering that the case is posted for arguments and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 *V Metropolitan Magistrate, Egmore, Chennai*, and on further conditions that:



Crl.O.P.No.20836 of 2024

[a] the petitioner shall report before the Trial Court on every Monday at 10.30 a.m., until further orders.

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

[c] the petitioner 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.

28.08.2024

dhk

To

1.The V Metropolitan Magistrate, Egmore
Chennai.

2.Central Prison, Puzhal,
Chennai.



Crl.O.P.No.20836 of 2024

WEB COPY

3.The Inspector of Police,
K-3, Aminjikarai Police Station
Chennai

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

dhk



WEB COPY



Crl.O.P.No.20836 of 2024

Crl.O.P.No.20836 of 2024

28.08.2024