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CRL O.P. No.20570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20570 of 2024

Annamalai

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram District.

... Respondent

[Cr. No.390 of 2024]

For Petitioner : Mr.A.Saranraj

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. 390 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 08.07.2024 for the offences punishable under Sections 296(b), 118(1), 109, 309(4), 311, 329(4), 351(3) of BNSS, in Crime No.390 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution on 07.07.2024 at about 4.30 p.m., the petitioner along with the other accused came to the defacto complainant's hotel and after having food and refused to pay money, when the defacto complainant asked money, the accused abused him in filthy language and assaulted him with knife and also snatched Rs.3000/-. 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 granted bail and the amount was also recovered. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner, along with the other accused, snatched Rs.3000/- from the defacto complainant in his shop. He would further submit that there is one previous case against the petitioner and the amount was 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 nature of offence and that the amount was recovered and taking into consideration the fact that co-accused was released on bail and that 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, Kanchipuram**, and on further conditions that:



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[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.

[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 Judicial Magistrate No.I, Kanchipuram.

2.The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram District.

3.Central Prison, Vellore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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