



WEB COPY



Crl.O.P.No.20582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

MR.JUSTICE N.SESHASAYEE

Crl.O.P.No.20582 of 2024

1.Arjun
2.Ganesh @ Pillaiyar

... Petitioners

Vs.

State represented by,
The Inspector of Police
K1 Sembium Police Station
Chennai
(Crime No.89 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.89 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Thinesh

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.05.2024, for the alleged offence punishable under Section 379 of IPC, in Crime No.89 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners/accused had snatched the cell phone of the defacto complainant. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and are in judicial custody for more than 100 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioners have snatched the mobile from the defacto complainant and there are 6 previous cases pending as against the petitioners. However, he opposed to grant bail to the petitioners.

5. Considering the submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioners and there are six previous cases pending against the petitioners, I am inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioners shall report before the V Metropolitan Magistrate Magistrate, Egmore, Chennai everyday at 10.30 a.m., and 5.30 p.m., for a period of 15 days. Thereafter, the petitioners are also at



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liberty to move the concerned Sessions Court for further relaxation of conditions, if required.

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

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

[d] the petitioners 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.

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To

1.The V Metropolitan Magistrate Magistrate,
Egmore, Chennai

2.The Central Prison, Puzhal, Chennai

3.The Inspector of Police
K1 Sembium Police Station
Chennai

4.The Public Prosecutor,
High Court of Madras.

N. SESHASAYEE, J.



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