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CRL O.P. No.20662 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :29.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20662 of 2024

Balaji @ RTR Balaji

... Petitioner / Accused

Vs

State rep. by
Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai – 06.

... Respondent

[Cr. No.243 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.243 of 2024, on the file of the respondent.

For Petitioner : Mr.P.Surendran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2024 for the offences punishable under Sections 126(2), 296(b), 115(2), 351(2) of BNS, 2023 and Section 25(1)(a) of Arms Act @ 126(2), 296(b), 115(2), 351(2) of BNS, 2023 and Section 25(1)(A) of BNS, 2023, in Crime No.243 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is working supplier in a Wine shop. On 29.07.2024 at about 8.55 p.m., while the defacto complainant went to buy eggs in a Supermarket, the petitioner waylaid the defacto complainant, abused him in filthy language and assaulted him with knife. 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 no one was injured in the alleged incident and the petitioner is ready to abide by any stringent condition 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 on the date of occurrence, while the defacto complainant went to a shop for purchasing eggs, the petitioner waylaid him, abused him in filthy language and assaulted him with knife and on seeing the public, the accused ran away. He would further submit that there are 12 previous cases against the petitioner. Hence, he vehemently 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 the fact that no one was injured in this case and considering that though the petitioner has some previous cases, the petitioner was granted bail in all the cases 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 **XVIII Metropolitan Magistrate, Saidapet**, and on further



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conditions that;

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[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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]; and

[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 XVIII Metropolitan Magistrate, Saidapet.
- 2.Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai – 06.
- 3.Central Prison – II, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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