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Crl.O.P.No.21871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21871 of 2024

Anthony Raj. B

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Shankar Nagar Police Station,
Tambaram, Kancheepuram.
(Crime No.328 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.328 of 2024, on the file
of the respondent Police.

For Petitioner : Mr.P.Kothandaraman

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.07.2024, for the alleged offences punishable under Sections 364A,
294(b), 323, 384, 379 and 506(i) of IPC, in Crime No.328 of 2024, on the



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file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2024, when the defacto complainant was returning to his house, at that time, the petitioner along with other accused waylaid him and robbed money, credit and debit cards from him. It is further alleged that the accused had transferred a sum of Rs.50,000/- from the defacto complainant's account and extorted a sum of Rs.6,10,000/- by using the credit cards of the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition. He further submit that the petitioner is an innocent person, and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the co-accused was released on bail. He further submit that the petitioner was arrested and is in judicial custody for more than 65 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the petitioner along with other accused persons waylaid the defacto complainant and kidnapped him in a car and they robbed money, credit and debit cards from him and also extorted a sum of Rs.6,10,000/- from the defacto complainant's debit and credit card. He further submit that co-accused was released on bail by the Trial Court. He further submit that the petitioner has no previous cases pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence, and considering the fact that the co-accused was released on bail, and considering that the petitioner has no previous cases pending, and also considering the period of incarceration undergone by



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the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 District Munsif cum Judicial Magistrate, Pallavaram, and on further conditions that:-

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

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned



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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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.09.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Pallavaram.
- 2.The Inspector of Police,
Shankar Nagar Police Station,
Tambaram, Kancheepuram.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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