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CRL O.P. No.20777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20777 of 2024

Mari @ Korukkupettai Mari

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
P1-Pulianthope Police Station,
Chennai.

... Respondent

[Cr. No.32 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.32 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Dilli Ganesh

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 14.03.2024 for the offences punishable under Sections 341, 294(b), 323, 397, 506(ii) of IPC, in Crime No.32 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 27.01.2024 at around 5.30 a.m., while the defacto complainant was going to job near J.J.Nagar Main Road, the petitioner along with the other accused intercepted him and threatening the defacto complainant with knife and robbed Rs.1,550/-. 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 the petitioner has been in judicial custody for more than 160 days and co-accused in this case has been released on bail. He would also 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 and other accused waylaid the defacto complainant and robbed Rs.1,550/- at knife point. He would further submit that the petitioner has 42 previous cases against him and the petitioner is a habitual offender and notorious person. He would further submit that co-accused was arrested and released on bail. 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 representation made by both side learned counsel and considering the number of days of incarceration undergone by the petitioner and that though the petitioner has so many previous cases, in all the cases he was released on bail and all other aspects, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **X Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Magistrate on every working day at 10.30 a.m., until further orders;

[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 X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
P1-Pulianthope Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai -66.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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