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Crl.O.P.No.20860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20860 of 2024

B.Vijay

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Manali New Town Police Station
Tiruvallur District
(Crime No.355 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Crime No.355 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Subramanian

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 27.07.2024 for the offences under Sections 126(2), 296(b), 125, 324(5), 309(4), 351(3) and 311 of BNS in Crime No.355 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant was walking near Sornavelan Petrol Bunk on 27.07.2024, the petitioner took the knife and threatened the complainant to give money and snatched Rs.820 from his pocket and escaped from the spot. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the



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petitioner/accused waylaid the defacto complainant and robbed Rs.820 at knife point and also hurled bottles against the public. He further submitted that there is one previous case pending as against the petitioner. However, vehemently, objected to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides and also taking into consideration the period of incarceration undergone by the petitioner and there is one previous case pending as against the petitioner and was released on bail and considering other aspects, this Court is inclined to grant bail to the petitioner with 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 court of ***Judicial Magistrate No.II, Ponneri, Tiruvallur District*** and on further conditions that:

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



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- [b]the petitioner shall not abscond either during investigation or trial;
- [c]the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d]on breach of any of the aforesaid conditions, the learned 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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To

1.The Judicial Magistrate No.II
Ponneri, Tiruvallur District



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2. Central Prison, Puzhal

3. The Inspector of Police,
Manali New Town Police Station
Tiruvallur District

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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