



WEB COPY



CRL O.P. No.21154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21154 of 2024

1.Arun

2.Delhi Ganesh @ Thalapathy

... Petitioners / Accused

Vs

State rep. by
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai District.

(Crime No.96 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioners on bail in Crime No.96 of 2024, on the file of the respondent.

For Petitioners : Mr.K.Vignesh

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



CRL O.P. No.21154 of 2024

ORDER

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under Sections 126(2), 296(b), 309(6) and 351(3) of BNS, 2023, in Crime No.96 of 2024, on the file of the respondent, seek bail.

2.The case of the prosecution is that on 12.07.2024 at around 5.30 p.m., the petitioners had waylaid the defacto complainant, abused him in filthy language, assaulted him with knife and robbed Rs.7500/- at knife point. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been in custody for more than 30 days and the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.



WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioners had waylaid the defacto complainant, abused him, assaulted him and robbed Rs.7500/- at knife point. He would further submit that there are seven previous cases pending as against the petitioners. He would also submit that investigation has been completed and charge sheet has also been filed. However, 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 offences and also considering the number of days of incarceration undergone by the petitioners and that though the petitioners have some previous cases, they have been granted bail in all the cases and considering that investigation has been completed and charge has also been filed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the



CRL O.P. No.21154 of 2024

satisfaction of the **IX Metropolitan Magistrate, Saidapet**, and on further conditions that;

[b] the Petitioners shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.

[c] the Petitioners 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 Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.08.2024

ata



WEB COPY



CRL O.P. No.21154 of 2024

To

- 1.The IX Metropolitan Magistrate, Saidapet.
- 2.The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.21154 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.21154 of 2024

30.08.2024