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CRL O.P. No.21614 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21614 of 2024

Karthick Raja

... Petitioner / Accused -3

Vs

State rep. by
The Inspector of Police,
Valasaravakkam Police Station,
Chennai.

(Crime No.120 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 Petitioner on bail in Crime No.120 of 2024, on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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 23.04.2024 under PT warrant, for the offences punishable under Section 394 of IPC, in Crime No.120 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is working as food delivery boy in a private firm. On 12.02.2024, when the defacto complainant was proceeding to job, at that time, the petitioner along with the other accused, waylaid the defacto complainant, threatened him by showing knife and robbed his cell phone. 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 4 months and the property was also recovered from the petitioner. He would also submit that the petitioner is ready to abide by



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any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, waylaid the defacto complainant and robbed his cell phone. He would further submit that there are 18 previous cases against the petitioner. He would also submit that the petitioner was already detained under Tamil Nadu Act 14 of 1982 and thereafter, the same was set aside. He would also submit that investigation has been completed and the case is now posted for trial. 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 representation made by both side learned counsels and considering that the petitioner was already detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention order was revoked and also considering the number of days of incarceration



undergone by the petitioner and that though the petitioner is having previous cases, in all the cases, he was released on bail and that investigation has been completed and now the case is posted for trial 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 Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate -I, Poonamallee**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days 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



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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.

04.09.2024

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To

- 1.The Judicial Magistrate – I, Poonamallee.
- 2.The Inspector of Police,
Valasaravakkam Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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