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CrI.O.P.No.21471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

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

CrI.O.P.No.21471 of 2024

T.Nagendran @ Nagaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai District.
(Crime No. 201 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 201 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Naveen Aravindan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.07.2024, for the alleged offence punishable under Section 379 of IPC,
in Crime No.201 of 2024, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 10.03.2024 at about 4.00 p.m, the defacto complainant and his friend were traveling on a two wheeler. At that time, the petitioner along with other accused person distracted them, and snatched cellphones from the defacto complainant and his friend. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted 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/A2 was released on bail. He further submit that based on the confession of the arrested accused, this petitioner was arrayed as accused. He further submit that the petitioner was arrested and is in judicial custody for more than 35 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 there are totally 2 accused in this case and the petitioner herein is arrayed as A1. He further submit that on the date of the alleged occurrence, the petitioner along with other accused person distracted the defacto complainant and his friend and snatched cellphones, while they were travelling in a two-wheeler. He further submitted that the property was recovered from the petitioner. He further submit that the petitioner has 10 previous cases, similar in nature, 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, and also considering the period of incarceration undergone by the petitioner and taking note of the fact that the co-accused was also released on bail, property was recovered, and also considering that the petitioner was arrayed as accused based on the confession of co-accused, and also considering that though the petitioner has 10 previous cases, in some of the



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cases, he was acquitted and in all other cases, he has been released on bail, 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 XV Metropolitan Magistrate, George Town, Chennai, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m, for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall not commit any offences of similar nature.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial



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[e] 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].

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

04.09.2024

drl

To

- 1.The Metropolitan Magistrate No.XV,
George Town, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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