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CRL O.P. No.21857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21857 of 2024

Suresh @

Kodungaiyur Susila Nagar Pattu Suresh

...Petitioner /Accused

Vs

State rep. by

The Inspector of Police,

H-6, R.K.Nagar Police Station,

Chennai – 60 021.

(Crime No.724 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.724 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Shahul Hameeth

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 12.07.2024 for the offences punishable under Sections 296(b), 309(4), 351(3) of BNS, 2023, in Crime No.724 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 12.06.2024, when the defacto complainant was going on the road side, the petitioner waylaid the defacto complainant, abused him in filthy language, threatened him with dire consequences and snatched Rs.260 from the defacto complainant at knife point. 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 45 days. He would further submit that the property was recovered and the petitioner is ready to abide by any stringent 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 waylaid the defacto complainant, threatened him, abused him in filthy language and snatched Rs.260/-. He would further submit that the petitioner is habitual offender and there are ten previous cases against the petitioner. Hence, 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 that the money involved in this case and considering that though the petitioner has some previous cases, he was already granted bail in all the cases and that the number of days of incarceration undergone by the petitioner, 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 **XV Metropolitan Magistrate, George Town, Chennai**, and on further conditions that;



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[b] the Petitioner shall report before the respondent police everyday 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

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- 1.The XV Metropolitan Magistrate, George Town, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai – 60 021.
- 3.Central Prison II, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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