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CRL O.P. No.21778 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.21778 of 2024

V.Prakash

... Petitioner / Accused - 4

Vs

State rep. by
The Inspector of Police,
H-8, Thiruvottriyur Police Station,
Chennai – 600 019.

(Crime No.155 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.155 of 2024, on the file of the respondent.

For Petitioner : Mr.R.Karan

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



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CRL O.P. No.21778 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.08.2024 for the offences punishable under Sections 341, 294(b), 323, 392, 397 and 506(2) of IPC, in Crime No.155 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.02.2024 at about 15.00 hours, when the defacto complainant was coming near Ennore Express Road, the petitioner along with the other accused, waylaid the defacto complainant and demanded money, when the defacto complainant refused the same, the accused persons attacked the defacto complainant and robbed Rs.700/- 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 from 05.08.2024 and the money was also recovered from the petitioner. He would also submit that co-accused in this case was also released on bail



CRL O.P. No.21778 of 2024

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.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, waylaid the defacto complainant, threatened him, attacked him and snatched Rs.700/- from the defacto complainant. He would further submit that the injured has been discharged from hospital and co-accused in this was released on bail. 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 that the money involved in this case and the injured was discharged from the hospital and also taking into consideration the number of days of incarceration undergone by the petitioner and that co-accused was released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:



CRL O.P. No.21778 of 2024

[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, Thiruvottiyur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 05.30 p.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.

05.09.2024

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CRL O.P. No.21778 of 2024

To
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- 1.The Judicial Magistrate, Thiruvottiyur.
- 2.The Inspector of Police,
H-8, Thiruvottriyur Police Station,
Chennai – 600 019.
- 3.Central Prison II, Puzhal, Chennai – 600 066.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.21778 of 2024

P.DHANABAL,J.
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CRL.OP.No.21778 of 2024

05.09.2024