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CRL O.P. No.21862 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21862 of 2024

Balaji

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

... 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 C.C.No.2195 of 2024 on the file of the II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.C.Jagan

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 15.06.2024 for the offences punishable under Section 229(A) of IPC, in Crime No.164 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was arrested in a case in Crime No.26 of 2024 for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC. Thereafter, he has moved a bail petition before the Principal Sessions Court, and the same was allowed with certain conditions. However, the petitioner failed to comply with the conditions imposed by the learned Sessions Judge. Hence, FIR in Crime No.164 of 2024 has been registered against the petitioner under Section 229(A) of IPC.

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 80 days. He would also submit that the petitioner is ready to



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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 was already granted bail in another case in Crime No.26 of 2024 and thereafter, he failed to comply with the conditions imposed by the Court below. He would further submit that there are 12 previous cases against the petitioner 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 nature of offences and that the number of days of incarceration undergone by the petitioner and that though there are some previous cases against the petitioner, he has been granted bail in all the cases and also considering that the case is now posted for trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[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 **II Metropolitan Magistrate Court, Egmore, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court 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 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

- 1.The II Metropolitan Magistrate Court, Egmore, Chennai.
- 2.The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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