



WEB COPY



CRL O.P. No.21926 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.21926 of 2024

A.Abinash,
S/o.Arunkumar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
[Cr.No.384 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.384 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Amarnath

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



CRL O.P. No.21926 of 2024

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 28.08.2024 for the offences punishable under sections 126(1), 296(b), 115(2), 311, 351(3) of BNS Act, 2023 in Crime No.384 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.08.2024 at about 08.30 a.m. the accused persons came to Posik Tea Stall and threatened and demanded money from the defacto-complainant and also beaten him with hands and took money from the cash box. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner not at all connected or involved in the said offence. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



CRL O.P. No.21926 of 2024

4. The learned Government Advocate (Criminal Side) would submit that the accused persons went to the Posik Tea Stall and threatened the defacto-complainant and demanded money, the defacto-complainant is refused to give money to the accused persons, then the accused persons attacked him and snatched money from the cash box. There is no previous case as against this petitioner. In this case, this petitioner was arrested and remanded to judicial custody on 28.08.2024. Hence, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offence and the amount involved in this case, this petitioner has no previous case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL O.P. No.21926 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 learned **XVII Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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 or tamper with the evidence;



WEB COPY



CRL O.P. No.21926 of 2024

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

06.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn



WEB COPY



CRL O.P. No.21926 of 2024

P.DHANABAL,J

gvn

To

- 1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
3. Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.21926 of 2024

06.09.2024