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CRL O.P. No.21984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21984 of 2024

Madhan

... Petitioner / Accused-1

Vs

State rep. by
The Inspector of Police,
Minjur Police Station,
Thiruvallur District.

(Crime No.377 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.377 of 2024, on the file of the respondent.

For Petitioner : Mr.P.Chandrasekar

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 16.07.2024 for the offences punishable under Sections 126(2), 296(b), 125, 309(4), 311, 351(3) of BNS, 2023, in Crime No.377 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 02.07.2024 at about 7.00 p.m., when the defacto complainant was returning to his home from the work place, the petitioner along with the other accused, waylaid the defacto complainant, abused him in filthy language, assaulted him and snatched Rs.1200/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has falsely implicated in this case. He would further submit that the petitioner has been in judicial custody for more than 50 days and he 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 on the date of occurrence, the petitioner along with the other accused, waylaid the defacto complainant, abused him in filthy language, assaulted him and robbed Rs.1200/- at knife point. He would further submit that there are ten previous cases against the petitioner and the amount has not been recovered. Hence, he raised serious objections 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 the money involved in this case and that though the petitioner is having some previous cases, he was already granted bail in all the cases and also considering the number of days of incarceration undergone by the petitioner and all other aspects, 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate II, Ponneri**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily 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 Judicial Magistrate II, Ponneri.
- 2.The Inspector of Police,
Minjur Police Station,
Thiruvallur District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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