



CRL O.P. No.22104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22104 of 2024

Abimanyu

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
B-5, Manavala Nagar Police Station,
Chennai – 602 002.

(Crime No.239 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.239 of 2024, on the file of the respondent.

For Petitioner : Mr.B.J.Santhoshkumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.05.2024 for the offences punishable under Sections 294(b), 323, 392, 397 and 506(ii) of IPC, in Crime No.239 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 25.05.2024 at about 10.30 p.m., the petitioner along with the other accused, came to MM Hotel at S.P.Road for having food and after eating food, they refused to pay, when the defacto complainant questioned the same, the accused threatened the defacto complainant with dire consequences, assaulted him with weapon and robbed Rs.500/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that the petitioner has been in judicial custody for more than 100 days. He would also submit that 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 Additional Public Prosecutor for the respondent would submit that the petitioner along with the other accused, came to MM Hotel at S.P.Road for having food and thereafter, they refused to pay, threatened the defacto complainant by showing knife and snatched Rs.500/-. She would further submit that there are 11 previous cases against the petitioner and only Rs.200 was recovered from the accused. Hence, she 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 the money involved in this case and also a part of amount was recovered and considering the period of incarceration undergone by the petitioner and that though the petitioner is having 11 previous cases, he was granted bail all the cases, 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, Thiruvallur**, and on further conditions that;

[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 Judicial Magistrate – II, Thiruvallur.
- 2.The Inspector of Police,
B-5, Manavala Nagar Police Station,
Chennai – 602 002.
- 3.Central Prison, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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