



CRL O.P. No.22129 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.22129 of 2024

Rajiv @ Raji Bai

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

(Crime No.320 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.320 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Bommuraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.05.2024 for the offences punishable under Sections 341, 294(b), 323, 397 and 506(ii) of IPC, in Crime No.320 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 29.05.2024 at about 10.30 a.m., when the defacto complainant was walking on the E.H.Road, Vyasarpadi, near Sharma Nagar Park, the petitioner along with the other accused, waylaid the defacto complainant, abused him in filthy language 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 been falsely implicated in this case. He would further submit that co-accused in this case was granted bail. 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 is alleged to have waylaid the defacto complainant and robbed Rs.500/- at knife point. She would further submit that there are 14 previous cases against the petitioner. She would also submit that the amount was recovered and co-accused in this case was already released on bail. However, 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 charged against the petitioner and also considering the money involved in this case and that the co-accused was already released on bail and that though the petitioner is having 14 previous cases, he was granted bail in all the cases and also taking into consideration the number of days of incarceration undergone by the petitioner, 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 **X Metropolitan Magistrate, Egmore, Chennai**, 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 X Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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