



CRL O.P. No.22434 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.22434 of 2024

G.Selvakumar

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
J-7, Velacherry Police Station,
Chennai.

(Crime No.298 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.298 of 2024, on the file of the respondent.

For Petitioner : Mr.D.Bharathy

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



CRL O.P. No.22434 of 2024

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 13.08.2024 for the offences punishable under Sections 126(2), 115(2), 308(2) and 351(3) of BNS, 2023, in Crime No.298 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 11.08.2024 at about 4.00 p.m., while the defacto complainant was waiting near SRP Tools signal, at that time, the petitioner along with the other accused, intercepted the defacto complainant, abused him in filthy language, assaulted him and robbed the money purse of the defacto complainant, which contains driving license, Aadhar card and cash of Rs.2800/- and his helmet 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 there is no previous case against the petitioner and the injured has been discharged from the hospital. He would also submit that the petitioner has been in judicial custody from 13.08.2024. 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.

4.The learned Additional Public Prosecutor for the respondent would submit that the petitioner, along with the other accused waylaid the defacto complainant, assaulted him and robbed his money purse, cash of Rs.2800/- and his helmet. She would further submit that there is no previous case against the petitioner and the injured has been discharged from the hospital. 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 and the money involved in this case and considering that the injured was discharged from the hospital and that there is no previous case pending against the petitioner 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:

[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



CRL O.P. No.22434 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the **XVIII Metropolitan Magistrate Court, Saidapet**, and on further conditions that;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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.

11.09.2024

ata



CRL O.P. No.22434 of 2024

To
WEB COPY

- 1.The XVIII Metropolitan Magistrate Court, Saidapet.
- 2.The Inspector of Police,
J-7, Velacherry Police Station,
Chennai.
- 3.Sub Jail, Saidapet.
- 4.The Public Prosecutor, High Court, Madras.



WEB COPY



CRL O.P. No.22434 of 2024

P.DHANABAL,J.
ata

CRL.OP.No.22434 of 2024

11.09.2024