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Crl.O.P.No.23769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23769 of 2024

Prince

...Petitioner/Accused - 3

Vs.

The State,
Rep.by the Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
Crime No.298 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.298 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Vishnu Prasad

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



Crl.O.P.No.23769 of 2024

WEB COPY

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 06.09.2024 for the offences under Sections 126(2), 296(b), 115(2), 309(4), 311 and 351(3) of the BNS, 2023 in Crime No.298 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, along with other accused, waylaid the de facto complainant, threatened the de facto complainant and robbed a sum of Rs.2,500/- at knife-point from him. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner/A3 is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He also submitted that the co-accused/A1 and A2 were released on bail. He further submitted that the petitioner has been in custody since 06.09.2024. He further submitted that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.23769 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are three accused in this case; that the petitioner is arrayed as A3; that the petitioner, along with other accused, waylaid the de facto complainant, threatened the de facto complainant and robbed a sum of Rs.2,500/- at knife-point from him.. He further submitted that a sum of Rs.500/- was recovered; and that there are two previous cases pending against the petitioner; that the co-accused were arrested and released on bail. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, that the money involved in this case and the part of the amount was recovered, that already the co-accused were released on bail, that though the petitioner has some previous cases, in all cases, he was granted bail, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



Crl.O.P.No.23769 of 2024

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 *II Metropolitan Magistrate, Egmore, Chennai* and on further conditions that:

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

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

[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 or tamper with the evidence;

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

[f] On breach of any of the aforesaid conditions, the



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CrI.O.P.No.23769 of 2024

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.

26.09.2024

dk

To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Superintendent of Prison,
Cenral Prison Puzhal.
- 3.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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WEB COPY



Crl.O.P.No.23769 of 2024

Crl.O.P.No.23769 of 2024

26.09.2024