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CrI.O.P.No.23850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23850 of 2024

1. Monish @ Poovarasan

2. Vijay

...Petitioners

Vs.

The State rep by
The Inspector of Police
Madhavaram Police Station,
Chennai.
(Cr.No.534 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Cr.no.534 of 2024 on the file of the respondent police.

For Petitioners : Mr.E. Viswanathan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.08.2024 for the offences under Sections 126(2), 296(b), 115(2), 309(4), 311, 125, 324(4), 351(3) of BNS Act, 2023 in Crime No.534 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused waylaid the defacto complainant at knife point and robbed a sum of Rs.1,500/- from him. Hence, the respondent police has registered a case against the petitioners.

3. Learned counsel for the petitioners submitted that the petitioners are innocent, and they not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He would further submit that the petitioners are arrested and they are in judicial custody from 10.08.2024. and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioners along with other accused waylaid the defacto complainant at knife point and robbed a sum of Rs.1,500/- from him.-. He further submitted that there are four previous case pending against the first petitioner and six previous case against the second petitioner and investigation has been completed and charge sheet also filed.

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

6. Considering the submission of the learned counsel on either side, considering the period of incarceration undergone by the petitioners and also taking note of the fact that though the petitioners have some previous cases, in all cases, bail was granted to the petitioners and investigation has been completed and charge sheet also filed, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on



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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 District Munsif cum Judicial Magistrate, Madhavaram and on further conditions that:

[a] the petitioner shall report before the concerned Jurisdictional Magistrate on every working day at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

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

[c] the Petitioners 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 Petitioners 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 Petitioners shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners 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

smn

To

- 1.The District Munsif cum Judicial Magistrate, Madhavaram
- 2.The Superintendent, Central prison-II, Puzhal, Cennai.
- 3.The Inspector of Police
Madhavaram Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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