



Crl.O.P.No.23907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23907 of 2024

R.Dinesh Raj @ Batcha

...Petitioner/Accused

Vs.

The Inspector of Police,
K-1, Sembium Police Station,
Perambur, Chennai – 600 011.

...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.362 of 2024 on the file of the respondent police.

For Petitioner : Mr.N.Chandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2024 for the offences under Sections 126(2), 296(b), 309(4) and 351(3) of the BNS Act, 2023, in Crime No.362 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the de facto complainant, threatened the de facto complainant and robbed a sum of Rs.400/- at knife-point from him. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner 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 further submitted that the petitioner has been in custody since 17.08.2024. 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.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner waylaid the de facto complainant, threatened the de facto complainant and robbed a sum of Rs.400/- at knife-point from him. He further submitted that there are ten previous cases pending against the petitioner. Hence, 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, the money involved in this case, 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:

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**



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only) with two sureties, each for a like sum to the satisfaction of the
V Metropolitan Magistrate Court, Egmore, Chennai, and on further
conditions that:

**[a] the petitioner shall report before the
Jurisdictional Magistrate on all working days at 10.30
a.m. until further orders;**

[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
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



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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.

27.09.2024

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To

- 1.The V Metropolitan Magistrate Court,
Egmore,
Chennai.
- 2.The Superintendent of Prison,
Central Prison, Puzhal.
- 3.The Inspector of Police,
K-1, Sembium Police Station,
Perambur, Chennai – 600 011.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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