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CrI.O.P.No.23915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23915 of 2024

1.Aravindhan

2.Babu

...Petitioners/Accused

Vs.

State rep.by

The Inspector of Police,

E-2, Royapettah Police Station,

Chennai.

Crime No.160 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 Crime No.160 of 2024 on the file of the respondent police.

For Petitioners : Mr.U.Yuvaraj

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.09.2024 for the offence under Section 310(2) of the BNS Act, 2023, in Crime No.160 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners waylaid the de facto complainant's brother, threatened him, and robbed a sum of Rs.1000/- and a cell phone (OPPO) at knife-point from him. Hence, the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners have been in custody since 11.09.2024. He further submitted that the petitioners are law-abiding citizens; that they are ready and willing to furnish substantial sureties for their due release on bail; and therefore, he prays for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioners waylaid the de facto complainant's brother, threatened him and robbed a sum of Rs.1000/- and a cell phone (OPPO) at knife-point from him. He further submitted that each of the petitioners has fourteen previous cases. Hence, he vehemently opposed the grant of bail to the petitioners.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioners, the money involved in this case, that though the petitioners are having some previous cases, in all cases, they were released on bail and also taking into consideration the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

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



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on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the *XVIII Metropolitan Magistrate, Saidapet, Chennai*, and on further conditions that:

[a] the petitioners shall report before the Inspector of Police, Mahabalipuram Police Station daily at 10.30 a.m.,until further orders;

[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 they were accused, or suspected, or of the commission of which they were 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 them 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;

[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



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with law as if the conditions have been imposed and the petitioners 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.

27.09.2024

dk

To

- 1.The XVIII Metropolitan Magistrate,
Saidapet,
Chennai.
- 2.The Superintendent of Prison,
Central Prison, Puzhal – II,
Chennai.
- 3.The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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