



CRL O.P. No.25228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25228 of 2024

Naresh

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

(Crime No.407 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.407 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Kartik

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.09.2024, for the offences punishable under Sections 126(2), 296(b), 309(4), 311 and 351(3) of BNS, 2023, in Crime No.407 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 29.09.2024 at about 6.00 hours, when the defacto complainant was going to Koyambedu Market for purchasing fruits for his fruit shop, the petitioner along with the other accused, waylaid the defacto complainant, abused him in filthy language, assaulted him and robbed Rs.2,300/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence committed by the other accused. He would further submit that the petitioner has been in custody from 29.09.2024. He would further submit that the petitioner is ready to abide by any stringent



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condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused, waylaid the defacto complainant, abused him in filthy language, assaulted him and robbed Rs.2,300/- at knife point. He would further submit that so far Rs.1,800/- was recovered from the accused. He would also submit that there are nine previous cases against the petitioner. Hence, he 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 charged against the petitioner and a part of amount was also recovered, considering the number of days of incarceration undergone by the petitioner and that though the petitioner is having some previous cases, he was granted bail in all the cases, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

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To
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- 1.The V Metropolitan Magistrate Court, Egmore.
- 2.Central Prison, Puzhal.
- 3.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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