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CRL O.P. No.25628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25628 of 2024

1. Bablu @ Mahabool Basha,
S/o.Mohammed Khan

2. Gopi,
S/o.Srinivasan

... Petitioners

Vs

State rep. by:-

The Inspector of Police,
T-17, Perumbakkam Police Station,
Chengalpattu District.
[Cr.No.217 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No.217 of 2024 on the file of the respondent police.

For Petitioners : Mr.T.I.Ramanathan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.07.2024 for the offences punishable under sections 126(2), 296(b), 115(2), 125, 311, 351(3) of BNS in Crime No.217 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused persons were waylaid the defacto-complainant and asked money, the defacto-complainant refused to give money, due to which the petitioners were assaulted the defacto-complainant and abused with filthy language and robbed Rs.1000/- with knife point and escaped from that place. Hence, the complaint.

3. The learned counsel for the petitioners would contend that these petitioners have not committed any offence as alleged by the prosecution. This petitioners have been falsely implicated in this case. These petitioners are an innocent persons and they have nothing to do with the commission of alleged offences and they are is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused persons were threatened the defacto-complainant at knife point and robbed cash from the defacto-complainant. The amount was recovered from the accused persons. These petitioners are having some previous cases, in all those cases already they were granted bail. These petitioners were arrested and remanded to judicial custody on 27.07.2024. However, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offence, the money involved in this case, the property was also recovered from the accused persons, though the petitioners are having some previous cases, in all those cases, they were already granted bail, already the detention order was also set aside by this Court and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:



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[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute separate 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 **Judicial Magistrate Court-II at Alandur** and on further conditions that:

[b] the petitioners shall report before the concerned jurisdictional Magistrate on all working days at 10.30a.m. until further orders;

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

[d] the petitioners shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and



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[e] 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;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.10.2024

index: Yes/No
Internet: Yes/No



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Speaking/Non Speaking order
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P.DHANABAL,J
gvn

To

1. The Judicial Magistrate Court-II at Alandur.
2. The Inspector of Police,
T-17, Perumbakkam Police Station,
Chengalpattu District.
3. Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.

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