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Crl.O.P.No.25765 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.25765 of 2024

Mari @ Korukkupettai Mari

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P1 Pulianthope Police Station,
Chennai.
(Crime No. 548 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No.548 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Dilliganesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.09.2024, for the alleged offence punishable under Sections 126,



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296(b), 115, 311, 351(3) of BNS, in Crime No.548 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.09.2024 at about 5.30 a.m, the petitioner along with another accused waylaid the defacto complainant and robbed a sum of Rs.8,500/- from him at knife point. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that the petitioner came out of jail in another case only on 21.09.2024 and he immediately arrested in this case. He further submit that the petitioner was arrested and is in judicial custody from 24.09.2024 for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioner along with another accused waylaid the defacto complainant and robbed a sum of Rs.8,500/- from him at knife point. He further submitted that the Goonda proposal was pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence charged against the petitioner, and the FIR that was registered immediately after the petitioner's release on bail in another case, considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 only) with two sureties, each for a like sum to the satisfaction of the X Metropolitan Magistrate Court, Egmore, Chennai and on further conditions that:-



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[a] the petitioner shall report before the concerned Metropolitan Magistrate, on all working days at 10.30 a.m., for a period of 30 days.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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

19.10.2024

drl

To

- 1.The Metropolitan Magistrate No.X
Egmore, Chennai.
- 2.The Inspector of Police,
P1 Pulianthope Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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