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Crl.O.P.No.25813 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.25813 of 2024

Sanjay @ Kulla Sanjay

... Petitioner

Vs.

State represented by,
The Inspector of Police,
H5 New Washermenpet Police Station,
Chennai.
(Crime No. 979 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.979 of 2024 on the
file of the respondent Police.

For Petitioner : Mr.T.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 13.09.2024, for the alleged offence punishable under Sections 296(b), 115(2), 309(4), 351(3) of BNS in Crime No.979 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.09.2024 at about 10.30 a.m, the petitioner purchased fruits from the defacto complainant's shop. However, he refused to pay the money, for which, he robbed a sum of Rs.630/- 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 submit that the petitioner was arrested and is in judicial custody for more than 40 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 petitioner refused to pay the money to the defacto complainant after



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WEB COPY purchasing fruits from the defacto complainant's shop and also robbed Rs.630/- from him at knife point. He further submits that the petitioner has 9 previous cases pending against him. 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, money involved in this case, and though the petitioner has 9 previous cases, in all the cases, he has been released on bail, considering the period of incarceration undergone by the petitioner, and also considering all other 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 XV Metropolitan Magistrate, George Town, 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., until further orders.

[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

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

19.10.2024



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drl

To

- 1.The Metropolitan Magistrate No.XV,
George Town, Chennai.
- 2.The Inspector of Police,
H5 New Washermenpet 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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