



Crl.O.P.No.26360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26360 of 2024

Barath Kumar @ Bharath

...Petitioner/Accused

Vs.

The State Rep. by,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
Crime No.528 of 2024

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.528 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Surendran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2024 for the offences under Sections 126(2), 296(b), 115(2), 311 and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.528 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 and other accused have waylaid the defacto complainant, threatened the defacto complainant and robbed a sum of Rs.850/- at knife-point from him. Hence, the case.

3. Learned counsel for the petitioner/A1 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 13.10.2024. He further submitted that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are three accused in this case; that the petitioner was arrayed as A1; that the petitioner/A1 and other accused have waylaid the defacto complainant, threatened the defacto complainant and robbed a sum of Rs.850/- at knife-point from him. He further submitted that there are seven previous cases pending against the petitioner, which are not similar kind of offences; and that Rs.400/- was recovered. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences, the money involved in this case and also the alleged part of the amount was recovered, that though the petitioner has some previous cases, all the cases are not similar kind of offences and all the cases, bail was granted to him and also considering the incarceration period undergone by the petitioner from 13.10.2024, this Court is inclined to grant bail to the petitioner with 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 learned *XVII Metropolitan Magistrate, Saidapet*, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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



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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.

23.10.2024

dk

To

- 1.The XVII Metropolitan Magistrate,
Saidapet.
- 2.The Superintendent of Prison
Central Prison – II, Puzhal.
- 3.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
- 4.The Public Prosecutor
High Court of Madras.



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P.DHANABAL, J.

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