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CrI.O.P.No.26551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.26551 of 2024

Sundaresan

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Korukkupet Railway Police Station,
Chennai
(Cr.No.132 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.132 of 2024 on the file of respondent police.

For Petitioner : Mr.S. Karthick

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

ORDER



Crl.O.P.No.26551 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 16.08.2024 for the offences under Sections 309(2) of BNS Act altered to 309(2) r/w 311 of BNS in Crime No.132 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had snatched a cell phone belonging to the defacto complainant. Hence the complaint.

3. Learned counsel for the petitioner 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 would further submit that the petitioner is arrested and is in judicial custody from 16.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused had snatched a cell phone belonging to the defacto complainant.



Crl.O.P.No.26551 of 2024

He further submitted that the prime accused/A1 is still in custody and investigation has been completed and there is no previous case pending against the petitioner.

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

6. Considering the submission of the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner, prime accused/A1 is still in custody, investigation has been completed, there is no previous case pending against 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 Metropolitan Magistrate No.XVI, George Town, Chennai and on further conditions that:



WEB COPY



CrI.O.P.No.26551 of 2024

[a] the petitioner shall report before the Tiruvallur Police Station, everyday 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 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];



CrI.O.P.No.26551 of 2024

and

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

24.10.2024

smn

To

1.The Metropolitan Magistrate No.XVI, George Town, Chennai

2.The Central Prison, Puzhal, Chennai

3.The Inspector of Police,
Korukkupet Railway Police Station,
Chennai

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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WEB COPY



Crl.O.P.No.26551 of 2024

Crl.O.P.No.26551 of 2024

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