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Crl.O.P.No.27013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27013 of 2024

1. Haribabu

2. Yuvaraj ...Petitioners/Accused Nos. 1 & 3

Vs.

State rep by
The Inspector of Police,
Korukkupet Railway Police Station
Chennai.
(Crime No.132 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 132 of 2024 on the file of the respondent.

For Petitioners : Mr.S. Karthick

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.08.2024 for the offences under Sections 309(2) of BNS Act @ Section 309(2) read with 311 of BNS Act in Crime No.132 of 2024 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that on 13.08.2024 at about 4.00 a.m., when the defacto complainant went to bathroom and stood near the stairs of the train, the petitioners along with the other accused snatched the mobile phone of the defacto complainant, due to the act of the accused, the defacto complainant fell down from the train and the wheels of the train ran over on his legs, as a result of which, his one leg was amputated and sustained grievous injuries on his another leg palm. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are



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ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that on 13.08.2024, while the defacto complainant was travelling in a train and stood near the stairs of the train, the petitioners along with the other accused snatched the mobile phone of the defacto complainant, due to the act of the accused, the defacto complainant fell down from the train and sustained grievous injuries on the legs, as a result of which, his one leg was amputated and sustained grievous injuries on his another leg. He would further submit that investigation is at initial stage. Hence, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the gravity of the offence and the first petitioner is the prime accused in this case and the investigation has not yet been completed, this Court is not inclined to grant bail to the first petitioner. Accordingly, this petition stands **dismissed as against the first petitioner.**

7. Considering the submissions made on both sides, considering the



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nature of offence and as per the prosecution, at the time of occurrence, only one person was present and also taking into consideration the period of incarceration undergone by the second petitioner from 16.08.2024 and the fact that no previous case pending against the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions:

[a]. Accordingly, the second 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 *Metropolitan Magistrate No.XVI, George Town, Chennai* and on further conditions that:

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

[c] The second petitioner shall attend in accordance with the conditions of the bond;

[d] The second petitioner shall not commit any offence similar to



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the offence of which he is accused, or suspected, or of the commission of which they are suspected;

[e] The second petitioner shall not abscond either during investigation or trial;

[f] the second 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 evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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

[h] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 269 of the BNS.

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To

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

2. 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.

vsg



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