



Crl.O.P.No.26843 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.26843 of 2024

1.S.Lokesh

2.B.Karthik

...Petitioners/Accused Nos. 2 & 3

Vs.

State rep by
The Inspector of Police,
R-8, Vadapalani Police Station
Chennai.
(Crime No.237 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. 237 of 2024 on the file of the respondent.

For Petitioners : Mr. V.Ramanareddy

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



CrI.O.P.No.26843 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.10.2024 for the offence under Section 310(2) of BNS @ to Section 309(4) of BNS Act, in Crime No.237 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused had waylaid the defacto complainant and his friends and attacked them and robbed a cellphone, cash of Rs.3,500/- and ATM Card from his friend. 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 ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.



Crl.O.P.No.26843 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) submitted that totally there are 4 accused in this case and the petitioners along with other accused had waylaid the defacto complainant and his friends and attacked them and robbed a cellphone, cash of Rs.3,500/- and ATM Card from his friend. He would further submit that the injured has been discharged from the hospital and there are no previous cases against the petitioners.

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

6. Considering the submissions made on both sides, considering the nature of offences and also the money involved in this case, the injured has been discharged from the hospital and also taking into consideration the period of incarceration undergone by the petitioners and the fact that no previous cases pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the



Crl.O.P.No.26843 of 2024

satisfaction of the learned *XVII Metropolitan Magistrate Court, Saidapet*, and on further conditions that:

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

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

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

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

[f] the petitioners 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 them from disclosing such facts to the court or to any police officer or tamper with evidence;



CrI.O.P.No.26843 of 2024

WEB COPY

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 registered under Section 269 of the BNS.

28.10.2024

vsg

To

1. XVII Metropolitan Magistrate Court at Saidapet
2. Central Puzhal Prison.



WEB COPY



Crl.O.P.No.26843 of 2024

P.DHANABAL, J.

vsg

3.The Inspector of Police,
R-8, Vadapalani Police Station
Chennai.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.26843 of 2024

28.10.2024