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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27651 of 2024

Arun @ Appu ... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
(Crime No.975 of 2024). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail, in connection with the Crime No.975 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Ashok Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

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The petitioner, who was arrested and remanded to judicial custody on 29.09.2024 for the offences punishable under Section 126(2), 296(b), 115(2), 311, 351(3) of BNS, in Crime No.975 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the defacto complainant and robbed Rs. 150/- from the defacto complainant at knife point. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays for grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner waylaid the defacto complainant and robbed Rs. 150/- from the defacto complainant at knife point

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and he further submitted that the petitioner is having 11 previous cases. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, 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 condition to execute 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 **X Metropolitan Magistrate Court, Egmore at Chennai** and on further conditions that:

[a] the petitioner and the sureties shall affix their

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photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA,J.

nsl

To

1. Learned X Metropolitan Magistrate Court, Egmore, Chennai.

2. The Inspector of Police,
   P-2, Otteri Police Station,
   Chennai.

3. Central Prison, Puzhal.

4. The Public Prosecutor,
   High Court of Madras.

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