



CRL O.P. No.27894 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.27894 of 2024

Haribabu S/o. Munusamy

... Petitioner /Accused

Vs

State rep. by:-

The Inspector of Police,
Korukkupet Railway Police Station,
Chennai.
[Cr. No.132 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.132 of 2024 on the file of the respondent police.

For Petitioner : Mr. Karthick.S

For Respondent : Mr. S. Balaji
Government Advocate (Criminal side)

ORDER

The petitioner/Accused, who was arrested and remanded to judicial



CRL O.P. No.27894 of 2024

custody on 16.08.2024 for the offences punishable under Section 309(2) of B.N.S. @ Sections 309(2) r/w 311 of B.N.S. on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.08.2024 at about 4 p.m., when the defacto complainant went to bathroom and stood near the stairs of the train, the petitioner along with other accused, snatched the mobile phone of the defacto complainant and due to the act of the accused, the defacto complainant fell down from the train and the wheels of the train ran over his legs, as a result of which, the defacto complainant's one leg was amputated and he sustained grievous injuries on his another leg palm. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case for the alleged offences under Sections 309(2) of B.N.S. @ Sections 309(2) r/w 311 of B.N.S. and the petitioner was arrested and remanded to judicial custody on 16.08.2024, that the petitioner is no way connected with the above said



CRL O.P. No.27894 of 2024

crime, that the co-accused A2 and A3 were granted bail and this Court dismissed the earlier bail application filed by this petitioner and he is in judicial custody for the past nearly 85 days since 16.08.2024 and he is ready to comply any condition imposed by this Court in the event of his release on bail and hence he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused has snatched the mobile phone from the defacto complainant while he was standing in the stairs of the train and further, due to the act of the accused, the defacto complainant fell down from the train and his one leg was amputated and he also sustained grievous injuries on his another leg and hence the accused were arrested and remanded to judicial custody and this petitioner is in jail from 16.08.2024. Further, the petitioner has 6 other previous cases pending against him. Hence he objected to grant bail to the petitioner. However, he admitted that the investigation is almost completed and out of 6 previous cases, 3 cases were already disposed of.



WEB COPY



CRL O.P. No.27894 of 2024

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that investigation is almost completed, that already the co-accused were released on bail and though this petitioner has 6 previous cases, three among them were already disposed of and considering the incarceration period of the petitioner from 16.08.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

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

[b] the petitioner shall report before the concerned jurisdictional Magistrate on all working days at 10.30 a.m. until further orders;

[c] the petitioner shall not commit any offence similar to the



CRL O.P. No.27894 of 2024

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

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

[e] 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;

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.11.2024



CRL O.P. No.27894 of 2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

To

- 1.The Metropolitan Magistrate No.XVI, George Town, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Korukkupet Railway Police Station, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J
mjs



WEB COPY



CRL O.P. No.27894 of 2024

CRL. O.P. No.27894 of 2024

13.11.2024