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CrI.O.P.No.28242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

CrI.O.P.No.28242 of 2024

1.K.Akash
2.Govindaraj

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai
(Crime No.754 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners on bail, in connection with the Crime No.754 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Antony Jesuraja

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

ORDER

This Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 26.10.2024, seeking bail in Crime No.754 of 2024 registered for the offence under Sections 126(2), 296(b), 311, 351(3) of BNS.



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2. The case of the prosecution is that the petitioners along with other accused waylaid the defacto complainant and demanded money from him and thereby forcibly robbed a sum of Rs.300/- at knife point. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in custody from 26.10.2024, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would oppose for grant of bail to the petitioners stating that, apart from this case, petitioners have one previous case pending against them.

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



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6. Taking into consideration the above 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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **X Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their 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 petitioners shall report before the respondent police daily at 06.30.p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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



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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]***;

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

12.11.2024

Sma



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To

1. X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai
3. The Superintendent,
Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
Sma

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