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CrI.O.P.No.28398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

CrI.O.P.No.28398 of 2024

1. Ajith @ Mangatha Ajith

2. Prakash

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.1151 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioners/A3 & A4 on bail, in connection with the Crime No.1151 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Karthick

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

ORDER

This Criminal Original Petition has been filed by the petitioners/A2& A4, who were arrested and remanded to judicial custody on



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01.11.2024, seeking bail in Crime No.1151 of 2024 registered for the offence under Sections 310 (4) & 310 (5) of BNS.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they have seen that the accused had assembled together and was making preparation for committing dacoity. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that it is true that both the petitioners have several previous cases and in order to keep the petitioners under fetters, the respondent had foisted the present case against them. He also submitted that some of the co-accused had been enlarged on bail, hence, he prayed for grant of bail to the petitioners stating that the petitioners, who are in custody from 01.11.2024, are ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners/A2 & A4 and other accused were arrested when they illegally assembled and were making preparation for committing dacoity. He further submitted that 10 previous cases are pending against the first petitioner and in respect of the second petitioner, six previous cases are pending against him.

5. Heard the learned counsel appearing for the petitioners, 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 taking note of the fact that some of the co-accused have been released on bail, 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 separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen**



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Thousand only) with two sureties (out of which, one surety should be a blood related surety), each for a like sum to the satisfaction of the learned **XV Metropolitan Magistrate, George Town, 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, everyday 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, 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]***;



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

21.11.2024

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal – II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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