



Crl.O.P.No.28737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

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

Crl.O.P.No.28737 of 2024

Raki @ Rakesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
(Crime No.278 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.278 of 2023, on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.09.2024, seeking bail in Crime No.278 of 2023 registered for the offence under Sections 294(b), 392, 397, 336, 427, 506(ii) of IPC.



Crl.O.P.No.28737 of 2024

WEB COPY

2. The case of the prosecution is that when the de facto complainant had refused to give mamool as demanded by the accused, the accused had abused the de facto complainant in filthy language and by intimidating him at knife point, robbed a sum of Rs.250/- from him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that initially the petitioner was arrested in this case on 30.10.2023 and subsequently, he was released on bail by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.9244 of 2024 vide order dated 25.03.2024, however, since the petitioner failed to comply with the condition, the bail granted to the petitioner was cancelled and he was again arrested in this case on 09.09.2024. He also submitted that the investigation in this case has also completed, hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court.



Crl.O.P.No.28737 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner had waylaid the de facto complainant and robbed a sum of Rs.250/- from him at knife point. He further submitted that since the petitioner failed to comply with the conditions imposed by the Principal Sessions Court, the bail granted to the petitioner stands canceled and he was secured and remanded to judicial custody. He also submitted that the investigation in this case has been completed and the charge sheet has also been filed, which is yet to be taken on file. He further submitted that including the present case, seven previous cases are pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner, 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, taking note of the fact that the charge sheet has been filed and also considering the period



CrI.O.P.No.28737 of 2024

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 his 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 **XV Metropolitan Magistrate Court, 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 petitioner shall appear before the XV Metropolitan Magistrate Court, George Town, all working days at 10.30a.m., until further orders and shall also report before the respondent Police on every Saturday at 6.30 p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



WEB COPY



CrI.O.P.No.28737 of 2024

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 B.N.S.

18.11.2024

ham

To

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



WEB COPY



Crl.O.P.No.28737 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28737 of 2024

18.11.2024