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CrI.O.P.No.28759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

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

CrI.O.P.No.28759 of 2024

Arul Francis

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
(Crime No.398 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.398 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.N.Raja

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 25.10.2024, seeking bail in Crime No.398 of 2024 registered for the offences under Sections 126(2), 296(b), 115(2), 125, 309(4), 311 & 351(3) of BNS.



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2. The case of the prosecution is that when the de facto complainant, who is running a Tiffin shop, 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.1,000/- from him and escaped. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and he has been falsely implicated in this case, since he has some previous cases. He also submitted that the similarly placed co-accused have been granted bail by this Court in Crl.O.P.Nos.28482 & 28457 of 2024 vide orders dated 13.11.2024 and 14.11.2024 and the petitioner, who is in custody from 25.10.2024, is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner/A2 along with three other accused had abused the de facto



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complainant and robbed a sum of Rs.1,000/- from him at knife point. He further submitted that four previous cases are pending against the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side, taking note of the fact that the similarly placed co-accused have been released on bail by this Court 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/A2 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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that :



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[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 report before the respondent Police, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner 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 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.

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To

1. The Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
3. The Superintendent,
Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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