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Crl.O.P.No.28779 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28779 of 2024

Kitcha @ Krishnamoorthi

... Petitioner

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 petitioner on bail, in connection with Crime No.754 of 2024, on the file of the respondent Police.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was 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 accused have waylaid the de facto complainant, abused him in filthy language and by intimidating him at knife point, robbed a sum of Rs.300/- 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, since he has got some previous cases. He also submitted that a reading of the First Information Report would also show that the present case is a foisted one and the petitioner is in custody from 26.10.2024. He further submitted that the petitioner is ready to abide by any other 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 other accused had waylaid the de facto complainant and by intimidating him at knife point, robbed a sum of Rs.300/- from him. He further submitted that eight previous cases including one murder case are pending against the petitioner.



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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 and also taking note of 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 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 **X Metropolitan Magistrate Court, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 07.30 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 X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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