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Crl.O.P.No.29395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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

Crl.O.P.No.29395 of 2024

1. Murali

2. Suriya

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
B-2, Esplanade Police Station.

(Crime No.268 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with the Crime No.268 of 2024 dated 13.10.2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.Vignesh

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

ORDER

Petition seeking bail in respect of Crime No.268 of 2024 registered for the offences punishable under 126(2), 296(b), 115(2), 311 & 351(3) of BNS is on board for consideration.



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2. The incarceration of the petitioners being from 14.10.2024 pleading innocence on the part of the petitioners and false implication in the case, the learned counsel for the petitioners seeks indulgence of this Court. He also submits that a reading of the First Information Report would also show that the present case was foisted against the petitioners in order to keep them under fetters, since they have several previous cases. He further submits that this is the second application for bail filed by the petitioners and their earlier bail application in CrI.O.P.No.27912 of 2024 was dismissed by this Court on 07.11.2024. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had waylaid the de facto complainant and robbed a sum of Rs.1200/- from him at knife point and also threatened him with dire consequences. He further submits that only a sum of Rs.300/- was recovered from the accused and this is their second application for bail before this Court and further, the investigation is still pending in this case. He also submits that 7



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previous cases are pending against the first petitioner/A1 and in respect of the second petitioner/A2, five previous cases are pending, therefore, if the petitioners are released on bail, there is a possibility of them absconding and not available for further investigation.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions and 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 Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **VII 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



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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]***;

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

02.12.2024

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To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
B-2, Esplanade Police Station.
3. The Superintendent,
Puzhal Prison – II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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