



Crl.O.P.No.29803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

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

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V.Bharath @ Otteri Bharath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
(Crime No.235 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.235 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Sethuraman

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

ORDER

Petition seeking bail in respect of Crime No.235 of 2024 registered for the alleged offences punishable under Sections 126(2), 296(b), 311, 125, 324(4), 115(2) & 351(3) of BNS is on board for consideration.



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2. The incarceration of the petitioner/A1 being from 22.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that this is the second application for bail filed by the petitioner before this Court and his first bail application was dismissed on 07.11.2024 in CrI.O.P.No.27838 of 2024. He further submits that the petitioner has not committed any offence as alleged by the prosecution, whereas, he has been implicated in this case, since he has several previous cases. He also submits that the petitioner is 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 de facto complainant is running a Juice shop and on 22.10.2024, when he had questioned the accused for not paying the money after buying a water bottle and other things, the accused abused the de facto complainant in filthy language and by intimidating him at knife point, robbed a sum of Rs.340/- from him. He also submits that the petitioner



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is a habitual offender and 11 previous cases of similar nature are pending against him.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and 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 learned **II Metropolitan Magistrate, 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;

[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;



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[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.

28.11.2024

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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