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Crl.O.P.No.30296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Crl.O.P.No.30296 of 2024

Akash @ Kulla Petta

... Petitioner

Vs.

State Rep. by

The Inspector of Police

H-5, New Washermenpet Police Station

Chennai

Crime No.1229 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.1229 of 2024 on the file of the H-5 New Washermenpet Police Station, Chennai, the respondent herein.

For Petitioner : Mr.V.Sudhakar

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

ORDER

Petition seeking bail in respect of Crime No.1229 of 2024 registered for the offences punishable under Sections 310(4), 310(5) of BNS and 25(1A) of



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Arms Act is on board for consideration.

2.The incarceration of the petitioner being from 29.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he 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 on a routine patrol by the respondent police the petitioner along with his friends was found to have been possessing lethal weapon and planning to commit dacoity. He further submits that there are thirteen previous cases against the petitioner.

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, including the counter affidavit filed by the respondent and 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



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two sureties, each for a like sum to the satisfaction of the learned XV

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 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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A.D.JAGADISH CHANDIRA., J.

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To

1.The XV Metropolitan Magistrate, George Town, Chennai

2.The Inspector of Police
H-5, New Washermenpet Police Station
Chennai

3.The Superintendent,
Central Prison II, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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