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CrI.O.P.No.30637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

CrI.O.P.No.30637 of 2024

1. Dhanush

2. Roshan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
(Crime No.847 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.847 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Illiyas

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

ORDER

Petition seeking bail in respect of Crime No.847 of 2024 registered for the alleged offences punishable under Section 311 of BNS, is on board



Crl.O.P.No.30637 of 2024

for consideration.

2. The incarceration of the petitioners being from 16.11.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He also submits that the petitioners have not committed any offence as alleged by the prosecution, whereas, only to keep them under fetters, this case has been foisted. 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 petitioners/A1 & A2 had waylaid the de facto complainant and by intimidating him at knife point, robbed a sum of Rs.700/- and a mobile phone from him. He also submits that against A1, five previous cases are pending and in respect of A2, two cases are pending.

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 also 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



Crl.O.P.No.30637 of 2024

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 (out of which, one of the sureties should be either the father or mother of the petitioners)**, 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 petitioners shall report before the respondent Police everyday at 06.30 p.m., until further 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



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Crl.O.P.No.30637 of 2024

in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

A.D.JAGADISH CHANDIRA., J.

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

09.12.2024

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30637 of 2024