



CrI.O.P.No.31176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.31176 of 2024

John @ Johnson

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
Crime No.524 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail in Crime No.524 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2024, for the alleged offence under Sections 126(2), 296(b), 125, 324(2), 309(4), 311, 351(3) of business, in Crime No.524 of 2024 on the file



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of the respondent police, seeks bail.

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2. The case of the prosecution is that the defacto complainant is running a juice shop at Manigundu bus stand. On 24.09.2024, around 7.00 a.m, when the defacto complainant went to Jeeva park, the petitioner approached the defacto complainant and asked for mamool, when he refused to give money, the petitioner threatened him with a knife point and also robbed him of Rs.550/-. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the detention of the petitioner under “Goonda” as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982 and the same was set aside by this Court. He further submits that the petitioner was arrested and is in judicial custody from 24.09.2024 and is ready to abide by



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any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the defacto complainant was running a juice shop, on the date of the alleged occurrence, the petitioner demanded mamool from the defacto complainant and when he was refused, he threatened him with a knife and also robbed Rs.550/- from him. He further submitted that the petitioner is a history sheeter involved in 20 previous cases, against him and that investigation in this case is almost completed. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, nature of offence, investigation was almost completed, and this petitioner was detained under “Goonda” of the Tamil Nadu Act 14 of 1982 and thereafter, the detention order of the petitioner has been set aside by this Court, though



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the petitioner has 20 previous cases, all are not similar kind of offences, in some of the cases ended in acquittal and in all other cases, he has been released on bail, considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate Court, George Town, Chennai District, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

21.12.2024

drl

P.DHANABAL, J.



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drl

To

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

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