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Crl.O.P.No.30886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

Crl.O.P.No.30886 of 2024

1.Chandru

2.Elizharasan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R-7 K K Nagar Police Station,
Chennai District.
(Crime No.256 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.256 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

Petition seeking bail in respect of Crime No.256 of 2024 registered for the offences punishable under 296(b), 126(2), 115(2), 118(1), 351(3) of BNS is on board for consideration.

2. The incarceration of the petitioners being from 20.11.2024 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 the petitioners are in no way connected with the alleged offence, 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 Additional Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that due to previous enmity, the petitioners waylaid the defacto complainant and assaulted him with stones and also threatened with dire consequences. He further submits that the injured has been discharged from the hospital. However, the petitioners have got two previous cases, therefore, if the petitioners are released on bail, there is a possibility of them absconding and not available for further investigation.



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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 that the injured has been discharged from the hospital, 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, of which one should be a blood related surety**, each for a like sum to the satisfaction of the learned **XXIII Metropolitan Magistrate Court, Saidapet**, 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., for a period of two weeks and thereafter, every Saturday at 10.30 a.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;



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[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.

11.12.2024

Anu



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To

1. The XXIII Metropolitan Magistrate Court,
Saidapet.

2. The Inspector of Police,
R-7 K K Nagar Police Station,
Chennai District.

3. The Superintendent,
Central Prison Puzhal Jail.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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