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Crl.O.P.No.31019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31019 of 2024

Anandhan @ Kozhi Babu

... Petitioner

Vs.

The State, Rep. by
The Inspector of Police
R-5, Virugambakkam Police Station
Chennai District
(Crime No.688 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.688 of 2024 on the file of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

Petition seeking bail in respect of Crime No.688 of 2024 registered for
the offences punishable under Sections 296(b), 308(2) and u/s. 351(3) of BNS,
2023 is on board for consideration.

2.The incarceration of the petitioner being from 12.11.2024 pleading



Cr1.O.P.No.31019 of 2024

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 has not committed any offence as alleged by the prosecution, whereas, only to keep him under fetters and to detain him under Act 14, this case has been foisted against him. 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 on 12.11.2024, the petitioner came to the shop of the de facto complainant, threatened him at knife point, demanded money and robbed a sum of Rs.1,000/- from him. He further submits that there are seventeen 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 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 **two sureties**, (out of which, one surety should be a blood related



Cr1.O.P.No.31019 of 2024

surety) each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.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.

20.12.2024

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CrI.O.P.No.31019 of 2024

A.D.JAGADISH CHANDIRA, J.
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To

1.The XXIII Metropolitan Magistrate, Saidapet.

2.The Inspector of Police
R-5, Virugambakkam Police Station
Chennai District

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.31019 of 2024

20.12.2024