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CRL O.P. No.31792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.31792 of 2024

1. Bharath S/o. Raji
2. Vijay S/o. Raji

... Petitioners / Accused

Vs

**State rep. by:-**

The Inspector of Police,  
K5 Peravallur Police Station,  
Chennai.

... Respondent

[Cr. No.362 of 2024]

**PRAYER:-** The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.362 of  
2024 on the file of the respondent police.

For Petitioner : Mr. A. Samson

For Respondent : Mr. S. Balaji,  
Government Advocate  
[Criminal side]

**ORDER**

The petitioner / Accused who was arrested and remanded to  
judicial custody on 10.10.2024 for the offences punishable under



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Sections 296(b), 126(2), 125, 311 and 351(3) of B.N.S. in Cr. No.362 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 10.10.2024, the accused persons refused to pay money for the juice purchased by them in the defacto complainant's shop, when the defacto complainant demanded money, the accused persons abused him with filthy language, threatened him with a hidden knife and robbed Rs.430/- at knifepoint and escaped from the spot. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 296(b), 126(2), 125, 311 and 351(3) of B.N.S. In fact, the petitioner is an innocent and he is nothing to do with the alleged offences. Due to the family dispute, he has been falsely implicated in this case. He is in judicial custody from 27.10.2024. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that the petitioners refused to pay money for the juice purchased from the



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defacto complainant's shop and there was dispute arose between the parties, when the defacto complainant demanded money for the juice and the accused abused him in filthy language and threatened with dire consequences and also robbed Rs.430/- at knife point. Both the petitioners were detained under Goondas Act, but the said detention order was set aside. Investigation is not completed. Hence, he strongly opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences, considering the fact that these petitioners are in judicial custody from 10.10.2024 and already the petitioners were detained under Goondas Act, but the said detention order was set aside by this Court and though these petitioners have so many previous cases, all the cases are not of similar kind of case and in all the cases, they were granted bail and also considering the incarceration period of the petitioner from 10.10.2024, this Court is



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inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 **V Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:

**[b] the petitioners shall report before the concerned NDPS Court on all working days at 10.30 a.m. until further orders;**

[c] the petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

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

[e] the petitioners 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 them from disclosing such facts to the Court or



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to any police officer or tamper with the evidence;

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[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

mjs

**P.DHANABAL,J**  
**mjs**

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, K5 Peravallur Police Station, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal-II, Chennai.

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