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CrI.O.P.No.31304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

CrI.O.P.No.31304 of 2024

Abi @ Abisek

... Petitioner

Vs.

The State rep. by
Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 94.
(Crime No. 602/2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.
602 of 2024 pending investigation on the file of the respondent/complainant.

For Petitioner : Mr.P. Surendran

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

ORDER

Petition seeking bail in respect of Crime No.602 of 2024 registered for
the offences punishable under Sections 191(2), 126(2), 296(b), 115(2), 309(4),
311 & 351(3) of BNS, 2023 is on board for consideration.

2.The incarceration of the petitioner being from 19.11.2024 pleading



Cr1.O.P.No.31304 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 is no way connected with the alleged offences and he 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 appearing for the respondent police, opposing for grant of bail, is that the de facto complainant is a delivery boy in a fruit shop and he had parked his vehicle and was talking to his friends. At that time, the petitioner along with other accused had taken the key of the vehicle of the de facto complainant. When de facto complainant questioned the petitioner and the other accused, the de facto complainant was beaten and forcibly taking away his mobile phone, a sum of Rs.800/- was transferred from de facto complainant's account through Google pay at knife point. He further submits that there are two previous cases against the petitioner.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate 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



Cr1.O.P.No.31304 of 2024

executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of the two sureties one should be either Mother or Father of the petitioner) each for a like sum to the satisfaction of the learned XVII 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.

16.12.2024

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CrI.O.P.No.31304 of 2024

A.D.JAGADISH CHANDIRA., J.
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To

1. The XVII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
F-5, Chooaimedu Police Station,
Chennai – 94.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.31304 of 2024

16.12.2024