



Crl.O.P.No.31272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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

Crl.O.P.No.31272 of 2024

1. Karthik @ Auto Karthik

2. Aswath

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Madhuravoyal Police Station,
Chennai.

(Crime No.1193 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 P.R.C.No.59 of 2024 pending before the Judicial Magistrate No.II, Poonamallee in Crime No.1193 of 2024, on the file of the respondent.

For Petitioners : Mr.D.Padmanabhan

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

ORDER

Petition seeking bail in respect of P.R.C.No.59 of 2024 pending before the Judicial Magistrate No.II, Poonamallee, in connection with Crime No.1193 of



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2024 registered for the offence punishable under Sections 126(3), 296(b), 118(1), 109(1) & 351(3) of BNS, is on board for consideration.

2. The incarceration of the petitioners being from 19.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are in no way connected with the alleged offence and the investigation in this case has also been completed, however, the petitioners are suffering incarceration. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 19.10.2024, at around 8.30 p.m., one of the accused had driven a Auto in a rash and negligent manner and dashed against the gate of the de facto complainant's company and when the same was questioned by the de facto complainant, the accused abused the de facto complainant in filthy language and assaulted him knife and also threatened him with dire consequences. He further submits that the case has been committed to the Court of Sessions in S.C.No.491 of 2024 on the file of the III Additional District Court, Poonamallee. He also



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submitted that the petitioners are history sheeters and against A1, 12 previous cases are pending and in respect of A2, six previous cases are pending.

4. Having heard the learned counsel for the petitioners, 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 petitioners and that the case has been committed to the court of sessions, 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Poonamallee**, 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 appear before the learned III Additional District Judge, Poonamallee, on all working days at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;



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A.D.JAGADISH CHANDIRA.,J.

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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.

16.12.2024

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To

1. The III Additional District Judge, Poonamallee.
2. The Judicial Magistrate No.II, Poonamallee.
3. The Inspector of Police,
Madhuravoyal Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal -II, Chennai.
5. The Public Prosecutor,
High Court of Madras.

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