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CrI.O.P.No.31774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

CrI.O.P.No.31774 of 2024

Prasanth @ Prasanthkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai.

(Crime No.272 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.272 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate

ORDER

Petition seeking bail in respect of Crime No.272 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 309(4), 311, 351(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 26.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He further submits that the 12 previous cases have been foisted against the petitioner in order to put fetters on the petitioner. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

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 when the defacto complainant was going to have lunch, the petitioner waylaid the defacto complainant and asked money for drinking alcohol. When the same was refused, the petitioner abused him in filthy language and assaulted him with hands and also snatched Rs.180/- from his pocket. He further submitted that the petitioner has got 14 previous cases, therefore, if the petitioner is released on bail, there is a possibility of him absconding and not available for further investigation.



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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**, each for a like sum to the satisfaction of the learned **VIII, Metropolitan Magistrate, George Town, Chennai** 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 stay at Dharmapuri and report before the before the learned Chief Judicial Magistrate, Dharmapuri, 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;



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A.D.JAGADISH CHANDIRA.,J.

Anu

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

19.12.2024

Anu

To

1. The VIII, Metropolitan Magistrate, George Town, Chennai
2. The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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