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CRL O.P. No.2425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2025

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.2425 of 2025

1. Anand @ Bai S/o. Balan
2. Thirumalai S/o. Radhakrishnan ... Petitioners / Accused
Vs

State rep. by:-

The Inspector of Police,
H-8 Thiruvottriyur Police Station. ... Respondent /
Complainant.
[Cr. No.1024 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.1024 of 2024 on the file of the respondent police.

For Petitioner : Mr. M. Illiyas

For Respondent : Mr. S. Balaji,
Government Advocate (Criminal side).

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 07.09.2024 for the offences punishable under



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Sections 309 and 311 of B.N.S. in Cr. No.1024 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 06.09.2024 at about 9 pm., when the defacto complainant parked his Aactiva vehicle before a Fast Food shop, the accused persons restrained the defacto complainant to enter into the shop, snatched the two cell phones belonging to the defacto complainant and a sum of Rs.75,000/- kept in the pocket of the defacto complainant, at knife point, assaulted the defacto complainant and also threatened with dire consequences. Hence the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against the petitioners for the offences punishable under Sections 309 and 311 of B.N.S. and they was arrested and remanded to judicial custody on 07.09.2024. In fact, the petitioners are innocent persons and they are no way connected with the commission of offences. They have been falsely implicated in this case. The petitioners are in judicial custody for the past more than four



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months. Therefore prayed to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners snatched two cell phones and Rs.75,000/- from the defacto complainant at knife point and also assaulted him. The petitioners have involved in some previous cases. Hence, he strongly opposed to grant bail to the petitioners. Further, the learned Government Advocate admitted that the petitioners were detained under the Tamil Nadu Act 14 of 1982 and the detention orders were set aside by this Court.

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

6. Considering the rival submissions on either side, the nature of offences, the incarceration period of the petitioners from 07.09.2024, already the detention order under Tamil Nadu Act 14 of 1982 was invoked against the petitioners and the same were set aside by this Court, though the petitioners are having some previous case, they were granted



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bail in all those cases, I am 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/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate, Thiruvottriyur** and on further conditions that:

[b] the petitioners shall report before the jurisdictional Magistrate concerned, on all working days at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation.

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

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



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trial;
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[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 to any police officer or tamper with the evidence;

[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.

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index: Yes/No

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Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The Judicial Magistrate, Thiruvottriyur
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, H-8 Thiruvottriyur Police Station.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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