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Crl.O.P.No.727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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

Crl.O.P.No.727 of 2025

Rahul

... Petitioner

Vs.

State by

The Inspector of Police,

Otteri Police Station,

Chengalpattu District.

Crime No.59 of 2021

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant bail to the petitioner in the event of his arrest by the respondent police in Crime No.59 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.59 of 2021 registered for the offences punishable under Sections 294(b), 392, 397 and 506(ii) of IPC, the present petition has been filed seeking anticipatory bail.



2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready and willing to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner is that the petitioner along with other accused was found to make preparation to commit dacoity and they were also found to be in possession of deadly weapons. He further submits that the petitioner is a habitual offender and has five previous cases pending against him.

4. In reply, the learned counsel for the petitioner would submit that the case is of the year 2021 and the investigation has also been completed and the final report has been filed before the learned Judicial Magistrate II, Chengalpattu.



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5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Chengalpattu, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the Judicial Magistrate II, Chengalpattu on every working days at 10.30 a.m for a period of two weeks and thereafter, on the date fixed by the learned Judicial Magistrate;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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



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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 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 BNS.

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To

1. The Inspector of Police,
Otteri Police Station,
Chengalpattu District.

2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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