

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

Crl.O.P.No.1989 of 2025

1.Suresh

2.John @ Johnson

3.Karthick

... Petitioners

Vs.

The State, Rep. by
The Inspector of Police,
H-3 Tondiarpet Police Station
Chennai
(Crime No.36 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.36
of 2025 on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

Petition seeking bail in respect of Crime No.36 of 2025 registered for

the offences punishable under Sections 125, 126(2), 296(b), 309(4), 324(2), 311, 351(3) of BNS, is on board for consideration.

2.The incarceration of the petitioners being from 08.01.2025 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 also submits that the petitioners have not committed any offence as alleged by the prosecution, whereas, only to keep them under fetters and to detain them under Act 14, this case has been foisted against them. He also submits that the petitioners are no way connected with the alleged offences and they are 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners waylaid the de facto complainant, abused him with filthy language and robbed a sum of Rs.800/- from him at knife point. He further submits that there is no previous against the first petitioner, twenty two previous cases against the second petitioner and one previous previous case against the third petitioner.

4.Having heard the learned counsel for the petitioners 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 petitioners, 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 a separate 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 XV 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 petitioners shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 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.

28.01.2025

sai

A.D.JAGADISH CHANDIRA, J.
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To

1.The XV Metropolitan Magistrate,
George Town, Chennai

2.The Inspector of Police,
H-3 Tondiarpet Police Station
Chennai

3.The Superintendent,
Central Prison II, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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