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Crl.OP.No.3045 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.OP.No.3045 of 2025

Jagadeesh

...Petitioner/Accused

Vs.

The State Rep. by

The Inspector of Police,

Chengalpattu Taluk Police Station,

Chengalpattu District.

(Crime No.779 of 2024)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.779 of 2024 on the file of the respondent police.

For Petitioner : Mr.Saravanabhavan G

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

ORDER

Though this Court had earlier directed this Criminal Original Petition to be listed before the same learned Judge, who had heard the application



seeking bail or anticipatory bail of the accused relating to the same FIR, in view of the subsequent clarification made by the Hon'ble Supreme Court, this petition is taken up by this Court.

2. The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 311 of BNS, in Crime No.779 of 2024, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner and other accused in an inebriated condition, waylaid the defacto complainant and demanded money at knife point, when refused, robbed six cell phones worth about Rs.60,000/- Hence, the case.

4. The 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 co-accused have been granted anticipatory bail and five cell phones were recovered and that the custodial



interrogation of the petitioner is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing this petition, reiterated the prosecution case and on instructions informed that the petitioner has one previous case and the co-accused have been granted anticipatory bail. He further submitted that five out of six cell phones robbed have been recovered.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

7. Considering the nature of allegations, the fact that the co-accused have been granted anticipatory bail and the robbed articles were recovered and that the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.II, Chengalpattu**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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] 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 report before the respondent Police, 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;



[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*** reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate No.II,
Chengalpattu.
2. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.



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3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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