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Crl.O.P.No.12194 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.12194 of 2025

Benihin

...Petitioner/Accused

Vs.

State rep by
The Sub Inspector of Police,
B7 Vellavedu Police Station,
Avadi, Chennai.

(Crime No.470 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in S.C.No.447 of 2024 on the file of the Additional District and Sessions Judge – III, Poonamallee.

For Petitioner : Mr.Yash Rathi R

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



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ORDER

The petitioner seeks bail in S.C.No.447 of 2024 on the file of the Additional District and Sessions Judge – III, Poonamallee, for the offence under Sections 126(2), 296, 311, 351(3) of BNS, 2023.

2.It is the case of the prosecution that the petitioner had waylaid the defacto complainant and demanded rowdy mamool; that when the defacto complainant refused the same, the petitioner abused him in filthy language, threatened him and snatched Rs.50/- at knife point. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; and that the petitioner has been in custody for a period of 196 days and hence, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that there are nine previous cases pending against the petitioner and he is on bail in those cases.



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5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the nature of allegations, period of incarceration, the fact that the petitioner is on bail in the previous cases and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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 **Additional District and Sessions Judge – III, Poonamallee**, 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;



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

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

23.04.2025

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Copy to:

- 1.The Sub Inspector of Police,
B7 Vellavedu Police Station,
Avadi, Chennai.
- 2.The Additional District and Sessions Judge – III, Poonamallee.
- 3.The Superintendent of Prison, Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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