WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13529 of 2025

1.Akash @ Honestraj
2.Bablu @ Rajkumar
3.Saravanan

... Petitioner/Accused 1 -3

Vs.

The State represented by
The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

(Crime No.113 of 2025) ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail, in connection with the Crime No.113 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Kamesh

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

O R D E R

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 30.03.2025 seeking bail

https://www.mhc.tn.gov.in/judis

WEB COPY

in Crime No.113 of 2025 registered for the offences under Section 309(4) @ 296(b), 309(4), 351(3) r/w 311 of BNS, 2023.

2. The case of the prosecution is that the petitioners had waylaid the defacto complainant, abused him in filthy language, assaulted him with hands and robbed Rs.250/- and two mobile phones at knife point. Hence, the case.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have no bad antecedents; and that the petitioners are in custody from 30.03.2025 and hence, they may be released on bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing the grant of bail to the petitioners, reiterated the prosecution case and on instructions submitted that the mobile phones were recovered from the accused; and that the petitioners 2 and 3 have no bad antecedents. He further submitted that the first petitioner/A1 has been detained under Tamil Nadu Act 14 of 1982

https://www.mhc.tn.gov.in/judis

WEB COPY

5. Since the first petitioner has been detained under Tamil Nadu Act 14 of 1982, this bail petition is dismissed as against the first petitioner. As far as the petitioners 2 and 3 are concerned, considering the nature of allegations, the period of incarceration, the fact that the mobile phones were recovered, they have no bad antecedents, and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners 2 and 3 alone with certain conditions.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate, Egmore, Chennai,** and 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 2 and 3 shall report before the respondent Police, everyday at 10.30 a.m., until**

https://www.mhc.tn.gov.in/judis

WEB COPY

further orders;

[c] the petitioners 2 and 3 shall not abscond either during investigation or trial;

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.

29.04.2025

ata

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The V Metropolitan Magistrate, Egmore, Chennai.

2.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal II, Chennai – 600 066.

4. The Public Prosecutor, High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

SUNDER MOHAN, J.
ata

Crl.O.P.No.13529 of 2025

29.04.2025

https://www.mhc.tn.gov.in/judis