

Rajesh Kanna vs State Rep by

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Court : Chennai

Decided On : Jan-09-2025

Judge : Honourable Mr Justice a.D.Jagadish Chandira

Appeal No. : CRL OP/480/2025

Appellant : Rajesh Kanna

Respondent : State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA Rajesh Kanna ... Petitioner Vs. State represented by: The Inspector of Police, K9, Thiru.Vi.Ka Nagar Police Station. (Crime No. 646 of 2024) ... Respondent
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner in Crime No. 646 of 2024 on the file of the Inspector of Police, K9, Thiru.Vi.Ka. Nagar Police Station, Chennai City. For Petitioner : Mr.M. Udayakumar For Respondent : Mr.Leonard Arul Joseph Selvam Government

ORDER

Petition seeking bail in respect of Crime No. 646 of 2024 registered for the offences punishable under Sections 296(b), 329(3), 311, 351(3) of BNS, 2023 is on board for consideration. 2.The incarceration of the petitioner being from 22.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is no way connected with the alleged offences and he is 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 petitioner along with other accused demanded money from the de facto complainant, and on his refusal, forcibly robbed him of a sum of Rs.1000/-. He further submits that there are two previous cases against the petitioner. 4.Having heard the learned counsel for the petitioner 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 petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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, (out of the two sureties one should be either Mother or Father of the petitioner) each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore Court, Chennai - 600 008 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 petitioner shall report before the respondent Police, everyday at 06.30 p.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 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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1. The V Metropolitan Magistrate, Egmore Court, Chennai.
2. The Inspector of Police, K-9, Thiru.Vi. Ka Nagar Police Station..
3. The Superintendent, Central Prison, Puzhal II.
4. The Public Prosecutor, High Court of Madras.

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