



Crl.O.P.No.19867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19867 of 2024

Kiruba @ Kirubanandhan,

...Petitioner/Accused

Vs.

The Inspector of Police,
K – 7, I.C.F. Police Station,
Chennai District.
(Crime No.74 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.74 of 2022 on the file of respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2024 for the offence under Section 392 r/w 34 of the IPC in Crime No.74 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and two others were involved in the theft of a mobile phone, airpods, and cash worth Rs.1000/- at knife point from the defacto complainant. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 08.05.2024 and the charge sheet has been filed; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) opposed granting bail to the petitioner by stating that the petitioner and two others were involved in the robbery of a mobile phone, airpods, and cash of Rs.1000/- at knife point from the defacto complainant; and that the petitioner had twenty-six previous cases. He further submitted that the investigation was completed and the properties were also recovered.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions; that the properties were already recovered, the completion of the investigation, the facts that though the petitioner had twenty-six previous cases, in all cases, he was granted bail, the charge sheet has been filed, and also taking into consideration the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the



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V Metropolitan Magistrate Court - Egmore, and on further conditions

that :

- [a] the petitioner shall report before the Jurisdictional Magistrate on every Monday at 10.00 a.m., until further orders;**
- [b] the petitioner shall not abscond either during the investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

19.08.2024

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To

- 1.The V Metropolitan Magistrate Court,
Egmore.
- 2.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 3.The Inspector of Police
K – 7, I.C.F. Police Station,
Chennai District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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