



Crl.O.P.No.20052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.20052 of 2024

Ruban Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police
R-11, Ramapuram Police Station,
Chennai District.
Crime No.323 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in Crime No.323 of 2024, on the file
of the respondent police.

For Petitioner : Mr.P.Muthumizhselvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.07.2024, for the alleged offence punishable under Sections 126(2),
296(b), 125, 324(4), 309(4) and 351(3) of BNS Act, in Crime No.323 of



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2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.07.2024, at about 8.00 a.m., when the defacto complainant was nearing GR Nagar main road, at that time, the petitioner waylaid the de-facto complainant, abused him in filthy language, demanded money, and when the defacto complainant refused, the petitioner robbed a sum of Rs.640/- from him at knife point. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was not present at the scene of occurrence. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would contend that on the date of the incident, the petitioner waylaid the de-facto complainant, abused him in filthy language, demanded money, and when the defacto complainant refused, the petitioner robbed a sum of Rs.640/- from him at knife point. He further submitted that the part of the amount was recovered from the petitioner and thereby, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, considering the nature of offence, and considering that the part of the amount was recovered and also considering the period of incarceration undergone by the petitioner, and also considering all other factors, I am inclined to grant bail to the petitioner, subject to 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)**



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with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Poonamallee and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 BNS.

20.08.2024

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To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Inspector of Police
R-11, Ramapuram Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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