



WEB COPY



Crl.O.P.No.21344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

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

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Kathir @ Kathiravan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-1, Sembium Police Station,
Chennai – 600 011.
(Crime No. 288 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.288 of 2024, on the file
of the respondent police.

For Petitioner : Mr.A.Elumalai

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.07.2024, for the alleged offence punishable under Sections 126(2),



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296(b), 309(4) and 351(3) of BNS, in Crime No.288 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.07.2024, at about 6.00 a.m, when the defacto complainant was coming near Perambur Venus Bus stand, at that time, the petitioner waylaid the defacto complainant and robbed a sum of Rs.500/- from him at knife point. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 30 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the petitioner waylaid the defacto complainant near Perambur Venus bus stand



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and robbed a sum of Rs.500/- from him at knife point. He further submit that the amount was recovered from this petitioner. He further submit that the petitioner has 17 previous cases, including the murder cases, pending against him. However, 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 nature of offence, and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the amount involved in this case, and considering the fact that though the petitioner has 17 previous cases, in some of the cases he was acquitted and in other cases, he has been released on bail, 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) with two sureties, each for a like sum to the satisfaction of the V Metropolitan



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Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate on every working day at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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.

02.09.2024

drl



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To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
K-1, Sembium Police Station,
Chennai – 600 011.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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