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Crl.O.P.No.20661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

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

Crl.O.P.No.20661 of 2024

Purushothaman @ Jackpot

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.
(Crime No. 407 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. 407 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 12.07.2024, for the alleged offence punishable under Sections 126(2),



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296(b), 311, 125, 351(3) of BNS Act, in Crime No.407 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.07.2024, at about 9.30 p.m, when the defacto complainant and his friend returned from their job from Velappanchavadi to Thiruverkadu near Perumalagaram Indian Oil Petrol Bunk, at that time, the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.1,200/- 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. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 45 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



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petitioner along with other accused waylaid the defacto complainant and demanded to give money, and when the defacto complainant refused, the petitioner assaulted the defacto complainant and robbed a sum of Rs.1,200/- from him at knife point. He further submit that the amount was recovered from this petitioner. He further submit that the petitioner has seven previous cases, similar in nature, 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 submissions of the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and taking note of the fact that the amount was recovered and the petitioner has 7 previous cases, and in all the cases, he has been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Judicial Magistrate No.II, Poonamallee, and on further conditions that:-

[a] the petitioner shall report before the Kancheepuram Police Station, everyday 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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drl

To

- 1.The Judicial Magistrate No.II,
Poonamallee.
- 2.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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