



CrI.O.P.No.21300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

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

CrI.O.P.No.21300 of 2024

Kavi Ruban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No. 605 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.605 of 2024, on the file
of the respondent police.

For Petitioner : Mr.P.Chandrasekar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 31.07.2024, for the alleged offences punishable under Sections 294(b),



Crl.O.P.No.21300 of 2024

392, 397, 506(ii) of IPC in Crime No.605 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2024, at about 9.10 p.m, when the defacto complainant was coming near Athur Bridge, at that time, the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.1,000/- from him at knife point and also assaulted him with knife. 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 further submit that the co-accused was already granted bail by this Court in CMP.No.4473 of 2024 dated 07.08.2024. 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.



Crl.O.P.No.21300 of 2024

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner is arrayed as A3. He further submitted that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.1,000/- from him at knife point and also assaulted him. He further submit that the amount was recovered from this petitioner. He further submit that the petitioner has one previous case, 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 co-accused was released on bail, and the petitioner has one previous case, in which, 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.



Crl.O.P.No.21300 of 2024

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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, Ponneri, 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].



CrI.O.P.No.21300 of 2024

WEB COPY

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

02.09.2024

drl

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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Crl.O.P.No.21300 of 2024

drl

Crl.O.P.No.21300 of 2024

02.09.2024