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CrI.O.P.No.21951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

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

CrI.O.P.No.21951 of 2024

Mabubasha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No. 395 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 395 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.T.Dhasarathan

For Respondent : M/s.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.08.2024, for the alleged offence punishable under Sections 140(2),
310(2) and 311 of BNS Act, in Crime No.395 of 2024, on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that on 15.08.2024, at about 4.15 p.m., the petitioner along with other accused kidnapped the defacto complainant and robbed a sum of Rs.36,800/- by using Google Pay and ATM card. It is further alleged that they attacked the defacto complainant with a broken beer bottle and also threatened him with dire consequences. 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 petitioner's name was not found place in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 25 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. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 7 accused in this case and the petitioner herein is ranked as A3. He further submit that on the date of the alleged occurrence, the petitioner along with other accused persons kidnapped the defacto complainant and robbed a sum of Rs.36,800/- by using Google Pay and ATM card and they also attacked him with a broken beer bottle and also threatened him with dire consequences. He further submits that the amount was not recovered from the petitioner. He further submitted that the petitioner has no previous case, pending against him. Hence, 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, considering the period of incarceration undergone by the petitioner, and the petitioner is not named accused in the FIR and also considering the petitioner has no previous case pending against him, money involved in this case and also considering all



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others 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 Judicial Magistrate No.I, Namakkal and on further conditions that:-

[a] the petitioner shall report before the respondent police, 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond 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]; and

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

11.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Namakkal.
- 2.The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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