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Crl.O.P.No.22555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

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

Crl.O.P.No.22555 of 2024

E.Rooban

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.
(Crime No. 550 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.550 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Kanagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.07.2024, for the alleged offence punishable under Sections 191(3), 126,
296(b), 118, 125, 325, 310, 311, 351(3) of BNS 2023, in Crime No.550 of



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

2. The case of the prosecution is that on 18.07.2024 at about 6.00 a.m., when the defacto complainant was in his old paper and iron scrap shop, at that time, the petitioner along with other accused came there and demanded money from him. When he refused, the accused persons robbed Rs.2000/- at knife point and threatened 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, since he has got some previous cases. He has not committed any offence as alleged in the FIR. He further submits that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 50 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 there are totally five accused in this case and



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the petitioner herein is arrayed as A2. He further submits that on the date of the alleged occurrence, the petitioner along with other accused persons came to the defacto complainant's old paper shop and demanded money, when he refused, they robbed Rs.2000/- from him at knife point. He further submitted that the petitioner has ten previous cases 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, co-accused was also released on bail, considering the period of incarceration undergone by the petitioner, and though the petitioner has 10 previous cases, 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.

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



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Magistrate No.I, Madhavaram, 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 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;

[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.



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To

- 1.The Judicial Magistrate No.I,
Madhavaram.
- 2.The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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