



Crl.O.P.No.25770 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

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

Crl.O.P.No.25770 of 2024

Dinesh Kumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
R.S.Puram Police Station,
Coimbatore District
(Crime No. 348 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.348 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.P.Dinesh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.10.2023, for the alleged offence punishable under Sections 392 and 397



Crl.O.P.No.25770 of 2024

of IPC, in Crime No.348 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.09.2023 at about 00.40 hours, when the defacto complainant was travelling on his two wheeler, at that time, the petitioner along with other person, intercepted the defacto complainant and robbed 12 grams of a gold chain 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 further submit that the petitioner was arrested and is in judicial custody from 08.10.2023 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 along with other person, intercepted the defacto complainant and



Crl.O.P.No.25770 of 2024

robbed 12 grams of a gold chain from him at knife point. He further submits that the property was recovered from the petitioner. He further submits that the petitioner has 10 previous case 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, property was recovered, and though the petitioner has 10 previous cases, and all are not similar kind of offence, in all the cases, he has been released on bail, considering the period of incarceration undergone by the petitioner, 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 Magistrate No.I, Coimbatore, and on further conditions that:-



Crl.O.P.No.25770 of 2024

WEB COPY

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days 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



CrI.O.P.No.25770 of 2024

WEB COPY

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

19.10.2024

drl

To

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

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.25770 of 2024

drl

Crl.O.P.No.25770 of 2024

19.10.2024