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CrI.O.P.No.26085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

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

CrI.O.P.No.26085 of 2024

Sethuraman

... Petitioner

Vs.

State represented by,
The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.
(Crime No. 732 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.732 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 18.09.2024, for the alleged offences punishable under Section 309 r/w



Crl.O.P.No.26085 of 2024

311 of BNS, 2023 and 8(c) r/w 20(b)(ii)(A) of NDPS Act, in Crime No.732 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.09.2024 at about 10.15 a.m, when the defacto complainant was at his old iron godown, at that time, the petitioner along with other accused waylaid the defacto complainant and demanded to give money, when he refused, the petitioner threatened him with knife and robbed Rs.5,000/- 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. since he has got some previous cases. 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 30 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, when



CrI.O.P.No.26085 of 2024

the defacto complainant was at his old iron godown, at that time, the petitioner along with other accused waylaid the defacto complainant and demanded to give money, when he refused, the petitioner threatened him with a knife and robbed Rs.5,000/- at knife point. He further submits that the amount, along with 360 grams of ganja was recovered from the petitioner. He further submits that the petitioner has 7 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, money involved in this case, and considering the period of incarceration undergone by the petitioner from 18.09.2024, and though the petitioner has seven previous cases, and all are not similar kind of offence, 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



CrI.O.P.No.26085 of 2024

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 learned District Munsif cum Judicial Magistrate, Madhavaram, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily 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.26085 of 2024

WEB COPY

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

22.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate,
Madhavaram.
- 2.The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.
- 3.The Superintendent,
Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26085 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.26085 of 2024

22.10.2024