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Crl.O.P.No.26385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

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

Crl.O.P.No.26385 of 2024

1.Ashok @ Thoppa Ashok

2.Ravikumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P6 Kodugaiyur Police Station,
Chennai.
(Crime No. 721 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.721 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.Jagan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 12.10.2024, for the alleged offences punishable under Sections 126(2),



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296(b), 115(2), 311, 351(3) of BNS 2023, in Crime No.721 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.10.2024 at about 11.00 p.m., while the defacto complainant was working as a rice master in SS fast food, at that time, the petitioners came to the shop and demanded rowdy mamool, when he refused, the petitioners threatened him and also robbed Rs.500/- from him at knife point. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they have got some previous cases. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners was arrested and are in judicial custody for more than 15 days and are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioners went to the shop of the the defacto complainant, demanded mamool, when he refused, the petitioners threatened him and also robbed Rs.500/- from him at knife point. He further submits that the first petitioner has seven previous cases and the second petitioner has two previous cases, pending against them. Hence, he opposed to grant bail to the petitioners.

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, considering the period of incarceration undergone by the petitioners from 12.10.2024, and though the first petitioner has seven previous cases and the second petitioner has two previous cases, all are not similar kind of offence, in all the cases, they have been released on bail, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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each, with two sureties, for a like sum to the satisfaction of the learned X Metropolitan Magistrate Court, Egmore, Chennai and on further conditions that:-

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioners 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 Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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

24.10.2024

drl

To

- 1.The X Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
P6 Kodugaiyur Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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