



WEB COPY



CrI.O.P.No.29166 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.29166 of 2024

Ilamparithi @ Ilamparuthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-3, Puzhal Police Station.
(Cr.No.827 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail in connection with Cr.No.827 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)



Crl.O.P.No.29166 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner/ Accused, who was arrested and remanded to judicial custody on 18.10.2024, seeking bail in Crime No.827 of 2024 registered for the offence under Sections 309(4) and 311 of BNS.

2. The case of the prosecution is that the petitioner waylaid the defacto complainant and demanded money, and when the same was refused, the petitioner robbed a sum of Rs.2,000/- from the defacto complainant at knife point and threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner, who is in custody from 18.10.2024, stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.



Crl.O.P.No.29166 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner waylaid the defacto complainant and demanded money, and when the same was refused, the petitioner robbed a sum of Rs.2,000/- from the defacto complainant at knife point and threatened him with dire consequences. He further submitted that the petitioner is a history sheeter and he has got three previous cases. Therefore, if he is released on bail, there is a possibility of him absconding and not available for further investigation.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



CrI.O.P.No.29166 of 2024

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;



Crl.O.P.No.29166 of 2024

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

21.11.2024

Anu

To

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



WEB COPY



Crl.O.P.No.29166 of 2024

A.D.JAGADISH CHANDIRA., J.

Anu

Crl.O.P.No.29166 of 2024

21.11.2024