

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12357 of 2019

KARTHICK @ CHOOLAI KARTHICK

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
V-4, RAJAMANGALAM POLICE STATION,
CHENNAI,
CR.NO.216 OF 2019.

For Petitioner : M/S.MOHAMMED AASIF Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.03.2019 for the offence under Section 341, 294(b), 323, 336, 427, 397 & 506(ii) of IPC in Crime No.216 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had waylaid the de-facto complainant and had stolen a sum of Rs.750/- and one Mobile Phone from the shirt pocket of the de-facto complainant at knife point.

3. The learned counsel for the petitioner submitted that a false case has been foisted against this petitioner by the respondent police and the FIR itself has been registered only for statistical purposes. The learned counsel further submitted that the petitioner has already suffered incarceration for more than 42 days.

4. The learned Additional Public Prosecutor submitted that the money has been recovered and there are four previous cases against this petitioner.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the stolen money has been recovered and this petitioner had already suffered incarceration for more than 42 days, this Court is inclined to grant bail to the petitioner on the following conditions.

6. 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 learned XIV Metropolitan Magistrate, Egmore at Chennai 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 learned XIV Metropolitan Magistrate, daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XIV,EGMORE AT CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL,CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

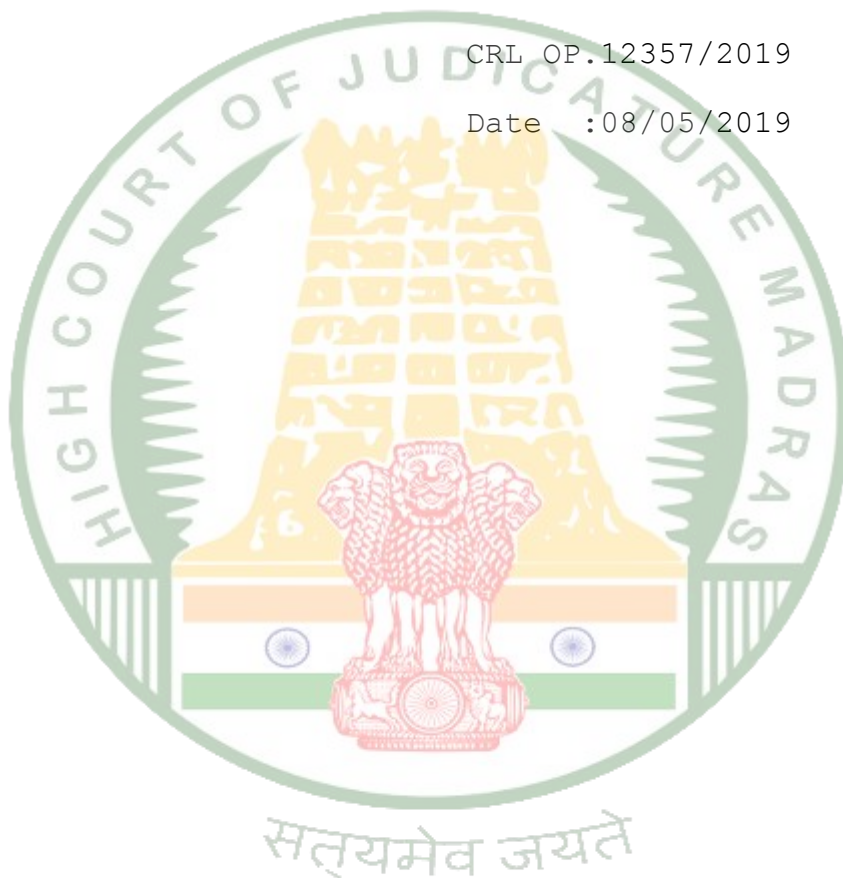
5 THE INSPECTOR OF POLICE,
V-4, RAJAMANGALAM POLICE STATION,
CHENNAI,

+1 CC to M/S.MOHAMMED AASIF Advocate on payment of necessary
charges SR.NO. 9622

CRL OP.12357/2019

Date :08/05/2019

RD 09/05/2019



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