

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9053 of 2021

Appu @ Magesh

...Petitioner

Versus

State of Tamil Nadu
Rep by its,
Inspector of Police,
K-9, Thiru Vi.Ka. Nagar Police Station,
Chennai.

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner / accused on bail in K9 Crime No.156 of
2021 on the file of the respondent.

For Petitioner

:

Mr.B.Kalaiarasan

For Respondent

:

Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 16.04.2021 for the alleged offence punishable under Section 392 IPC in Crime No.156 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that, the petitioner along with another have robbed a sum of Rs.5,000/- (Rupees Five Thousand Only) at knife point from the *de facto* complainant on 15.04.2021. Therefore, this case came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. It is his further submission that the petitioner has been in judicial custody since 16.04.2021 and prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this bail petition on the ground that there is a similar case of the year 2018 pending against the petitioner.

5. Taking into consideration the nature of offence and the fact that the petitioner is in judicial custody since 16.04.2021 and also the fact that the material part of the investigation is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal 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 **V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

(b) the petitioner shall not abscond either during investigation or trial;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

13.05.2021

vji

Note: Issue order copy by 13.05.2021

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G.CHANDRASEKHARAN, J.,

vji

To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
K-9, Thiru.Vi.Ka.Nagar Police Station,
Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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