



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21280 of 2021

Mohamed Asarudeen

.. Petitioner

Vs.

State by;

The Inspector of Police

M-2, Milk Colony Police Station

Madhavaram, Chennai

Crime No.829 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation in Crime No.829 of 2021 on the file of the respondent.

For Petitioner : M/s.M.Prema Sudha

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.10.2021 for the offences under Sections 341, 294(B), 336, 427, 392, 397, 506(ii) IPC, in Crime No.829 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.10.2021 at about 1.30 p.m., the petitioner waylaid the defacto complainant and snatched cash of Rs.600/- and a button cell phone from him and also threatened the defacto complainant and the public with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has been suffering incarceration for more than 30 days from 10.10.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the stolen properties have not been recovered and the petitioner has got two previous cases against him.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 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 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/11/2021

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

TRUE COPY

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



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-2, MILK COLONY POLICE STATION,
MADHAVARAM, CHENNAI.

+1 CC to M/S.M.PREMA SUDHA Advocate on payment of necessary
charges SR.NO.12685

CRL OP.21280/2021

Date :12/11/2021

RW 12/11/2021