



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Crl.O.P.Nos.21914 and 22002 of 2021

Hariharan ... Petitioner in Crl.O.P.No.21914/2021

Appu @ Janakiraman ... Petitioner in Crl.O.P.No.22002/2021

Vs.

The State Rep. By ...Respondent in both Crl.O.Ps.
Inspector of Police
J-7 Velachery Police Station,
Chennai-42
Crime No.959 of 2021

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.959 of 2021 on the file of the Respondent Police.

For Petitioner in Crl.O.P.No.21914 of 2021 : Mr.N.Senthil Kumar
For Petitioner in Crl.O.P.No.22002 of 2021 : Mr.V.Jaisankar
For Respondent in both Crl.O.Ps. : Mr.N.S.Suganthan
Government Advocate
(Crl. Side)

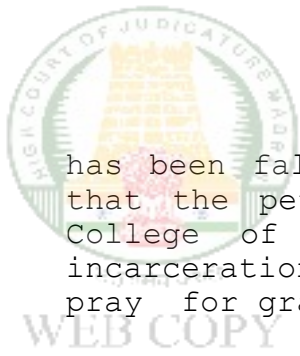
COMMON ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.10.2021 and 30.10.2021 respectively for the offence under Section 397 of IPC, in Crime No.959 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is running a Unisex Spa at Velacherry. On 26.10.2021, eight persons came to his shop and assaulted his employees and robbed Rs.3,000/- and 4 cell phones from the employees. Hence, the complaint.

3. The learned counsel for the petitioner in Crl.O.P.No.21914 of 2021 would submit that the petitioner is only aged 19 years and he



has been falsely implicated in this case. He would further submit that the petitioner is doing 2nd year B.Sc. (C.S.) in Hindustan College of Arts and Science and now he has been suffering incarceration for more than 25 days from 27.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned counsel for the petitioner in CrI.O.P.No.22002 of 2021 would submit that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner was not present at the scene of occurrence. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 30.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that there are totally 8 accused in this case and the petitioner in CrI.O.P.No.21914 of 2021 is arrayed as A8 and the petitioner in CrI.O.P.No.22002 of 2021 is arrayed as A5 and except A1 & A6 all other accused have been arrested and remanded to judicial custody but admits, that the injured has been discharged from the hospital.

5. Considering the nature of allegations levelled against the petitioners and the fact that the injured has been discharged from the hospital and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 XVIII Metropolitan Magistrate, Saidapet, 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 petitioners shall report before the respondent police every Saturday at 10.30 a.m. for a period of 12 weeks and thereafter, as and when required for interrogation.

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

(d)the petitioners 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 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;

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

-sd/-

22/11/2021

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
J-7 VELACHERY POLICE STATION,
CHENNAI-42

4 THE OFFICE INCHARGE
SUB JAIL, POONAMALLE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S N.SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.21914/2021

Date :22/11/2021

APN 23/11/2021