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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

Cr1.O.P.No.22191 of 2021

Arun @ Udhayakumar

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Madhavaram Police Station,
Thiruvallur District.
Crime No.2358 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.2358 of 2021 pending on the file of respondent police.

For Petitioner : M/s.A.Saranraj

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

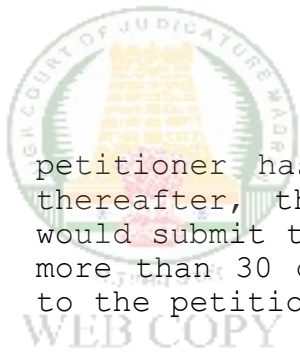
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.10.2021 for the offences under Sections 341, 294(b), 323, 392, 397, 336, 427 and 506(2) of IPC, in Crime No.2358 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 29.10.2021, the petitioner waylaid the de facto complainant and robbed sum of Rs.1300/- and a cell phone at knife point and also threatened him. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. The fact remains that the petitioner was suffered with mental illness and thereby, he was admitted in the Institute of Mental Health, Kilpauk wherein, he was diagnosed with psychotic Maniac and thereafter, he was taking treatment in the De-Addiction cum Re-habitation Center. Though the



petitioner has got previous cases, they are of the year 2018 and thereafter, the petitioner has not involved in any other cases. He would submit that the petitioner has been suffering incarceration for more than 30 days from 29.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is having six previous cases and that the investigation is almost completed.

5. Perused the medical report filed by the learned counsel for the petitioner which reveals that the petitioner was under treatment at the Institute of Mental Health, Kilpauk, Chennai, and that the said previous cases are prior to the years 2018. Hence, considering the above facts 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 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 on every Tuesday and Sunday at 10.30 am, 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.

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-sd/-
30/11/2021

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 JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MADHAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to A.SARANRAJ Advocate on payment of necessary charges
SR.NO.13735

CRL OP.22191/2021

Date :30/11/2021

JPA 01/12/2021