



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

WEB COPY

CORAM:

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

Crl.O.P.Nos.22280 and 22529 of 2021

In Crl.O.P.No.22280/2021

G.Ilayaraja

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Velachery
Chennai-600 007.
Crime No.959 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.959 of 2021 on the file of the Respondent Police.

In Crl.O.P.No.22529/2021

1.Nagarajan @ Mani @ Kulla Mani
2.Prabhakaran @ Panner

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
J-7 Velachery Police Station,
Chennai
Crime No.959 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners/accused herein on bail in Crime No.959 of 2021 on the file of the respondent/complainant i.e., on the file of the Inspector of Police, J-7 Velachery Police Station, Chennai.

For Petitioner : Mr.D.Senthil Kumar
in Crl.O.P.No.22280 of 2021

For Petitioners : Mr.C.Mohan Raj
in Crl.O.P.No.22529 of 2021

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
in both Crl.O.Ps.



COMMON ORDER

(The case has been heard through video conference)

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The petitioners who were arrested and remanded to judicial custody on 03.11.2021 and 28.10.2021 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 CrI.O.P.No.22280 of 2021 would submit that the petitioner is a practising advocate and he has been falsely implicated in this case and that he has been suffering incarceration for more than 20 days from 03.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned counsel for the petitioners in CrI.O.P.No.22529 of 2021 would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the 1st petitioner is a final year Law student and the 2nd petitioner is working in a small company and that they have been suffering incarceration for more than 25 days from 28.10.2021. He would further submit that some of the co-accused have been granted bail by this Court in CrI.O.P.Nos.21914 of 2021 and 22002 of 2021 by order dated 22.11.2021. Hence, he would pray for grant of bail to the petitioners.

5. The learned Government Advocate raised objection but admits that some of the co-accused have been granted bail by this Court.

6. Considering the fact that co-accused have been granted bail by this Court and investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. 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, 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 in Crl.O.P.No.22280 of 2021 shall report before the respondent police daily at 10.30 a.m. until further orders.

WEB COPY The petitioners in Crl.O.P.No.22529 of 2021 shall stay at Salem and report before the Town Police Station daily at 10.30 a.m. until further orders.

(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/-
25/11/2021

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELACHERY,
CHENNAI.



5 THE OFFICER INCHARGE
TOWN POLICE STATION,
SALEM.

6 THE SUPERINTENDENT,
SUB-PRISON, SAIDAPET, CHENNAI.

7 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET, CHENNAI.

+1 CC to M/S. D.SENTHIL KUMAR Advocate on payment of necessary
charges SR.NO.13444

+1 CC to M/S.LOUSIAL RAMESH, Advocate on payment of necessary
charges SR.NO.13426

CRL OP.22280 & 22529/2021

Date :25/11/2021

TA-25/11/2021