



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

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

Crl.O.P.No.22920 of 2021

Ezra Samuel Manoharan

...Petitioner

Vs.

The State, Represented by
The Inspector of Police
J-6, Thiruvannmiyur Police Station
Chennai - 600 041
(Crime No.852 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.852 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.J.Karthikeyan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.11.2021 for the offence under **Section 395 of IPC** in Crime No.852 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the date of occurrence, a gang of 5 persons waylaid the son of the defacto complainant who is aged about 16 years and studying 12th standard, and snatched a sum of Rs.500/- and a pair of slippers from him at knife point. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has studied B.Architect and he is no way connected with the alleged offence and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for 13



days from 19.11.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused waylaid the son of the defacto complainant who is aged about 16 years while he was returning from school and snatched Rs.500/- and a pair of slippers from him at knife point.

5. Considering the fact that all the accused have been arrested 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 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 shall report before the respondent police on every Tuesday 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/-
01/12/2021

WEB COPY

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
CHENNAI-600 041.

5 THE OFFICER INCHARGE
SUB JAIL, CHENGALPATTU PRISON.

+1 CC to M/S. J.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.13780

CRL OP.22920/2021

Date :01/12/2021

TA-02/12/2021