



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Crl.O.P.No.1106 of 2022

A.Prashanth

...Petitioner

Vs.

State,
Rep by Inspector of Police,
Crime Branch,
R 1 Valasaravakkam Police Station,
T-Nagar, Chennai
(Ref: Crime No.802 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.802 of 2021 on the file of the respondent police, R 1 Valasaravakkam Police Station.

For Petitioner : Mr.G.R.Hari

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Sections 341, 294(B), 336, 427, 392, 397, 506(ii) of IPC, in Crime No.802 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.11.2021 at about 5.30 p.m., when the defacto complainant was standing at Arcot Road, Valasaravakkam, two unknown persons approached him in a bike. The person who drove the bike snatched the defacto complainant's bluetooth headset and caught hold of the defacto complainant and attempted to take money from him and when he resisted, the pillion rider threatened him stating that he already committed a crime at Koyambedu and wielded a knife to take Rs.450/- from the pocket of the defacto complainant. 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 he has been falsely implicated in this case. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.24938 of 2021 by order dated 20.12.2021 and that the petitioner has been suffering incarceration for 54 days from 26.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would raise strong objection stating that there are two accused in this case and the petitioner is arrayed as A1 and he has got 4 previous cases out of which one case is for the offence under Section 302 IPC but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Poonamalee, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

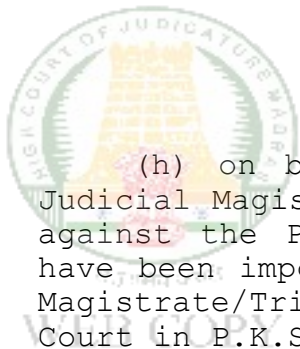
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Tiruvannamalai and shall report before the Town Police Station on every Monday and Saturday at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

20/01/2022

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 I,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
CRIME BRANCH, R1 VALASARVAKKAM POLICE STATION,
T.NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

COPY TO

THE INSPECTOR OF POLICE/ STATION HOUSE OFFICER,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

+2 CC to G.R.HARI Advocate on payment of necessary charges
SR.NO.850

CRL OP.1106/2022

Date :20/01/2022

INBA~21/01/2022