



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

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

Cr1.O.P.No.921 of 2022

Prasanth

...Petitioner

Vs.

State by
Inspector of Police,
H6 RK Nagar Police Station (Crime),
Chennai.
Cr. No.2225 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.2225 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Parthiban

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

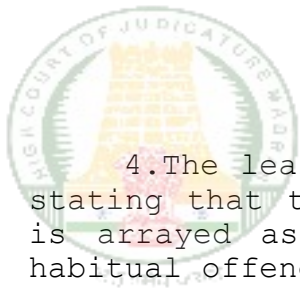
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Section 392 and 397 of IPC, in Crime No.2225 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons waylaid the defacto complainant and robbed Rs.1,500/- and a cell phone from him at knife point. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence. He would further submit that the petitioner name is also not found in the FIR. He would further submit that the petitioner has been suffering incarceration for more than 43 days and hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that there are three accused in this case and the petitioner is arrayed as A2 and he has got four previous cases and he is a habitual offender. Investigation is also completed.

5. Considering the above facts and circumstances of the case and 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.2225 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned Metropolitan Magistrate No.XV, George Town, Chennai, 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 his photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. until further orders.

(e) the victim is permitted to withdraw the deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgement.

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

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

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

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



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

-sd/-

19/01/2022

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.XV,
GEORGE TOWN, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
H6 RK NAGAR POLICE STATION(CRIME),
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.A.PARTHIBAN Advocate on payment of necessary charges

CRL OP.921/2022

Date :19/01/2022

INBA-19/01/2022