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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2361 of 2022

Manikandan @ Mani

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
K - 9, Thiru.Vi.Ka Nagar Police Station
(Crime No.1198 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.1198 of 2021 on the file of the respondent.

For Petitioner : Mr.B.M.Santharam

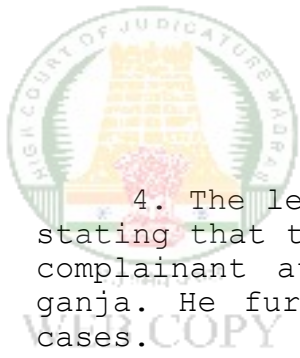
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 341, 294(b), 397 & 506 (ii) of IPC r/w 8 (c), 20(b), (ii) (B) of NDPS Act in Crime No.1198 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a tiffen shop in a Push Cart and the petitioner after having tiffen refused to pay money, instead, he robbed Rs.1,100/- from the cash box at knife point and at that time, he was found in possession of 300 gms of ganja . Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for more than 50 days from 05.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that the petitioner robbed a sum of Rs.1100/- from the defacto complainant at knife point and he was in possession of 300gms of ganja. He further submits that the petitioner is having 6 previous cases.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the investigation almost completed, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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), before the learned V Metropolitan Magistrate, 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 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;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

02/02/2022

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 V METROPOLITAN MAGISTRATE,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K-9, THIRU.VI.KA.NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges

CRL OP.2361/2022

Date :02/02/2022

CSK 03/02/2022