



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.2991 of 2022

Arun

... Petitioner /
Accused

versus

State rep. By:-
Inspector of Police
K-2 Ayanavaram Police Station,
Chennai.
(Crime No.2 of 2022)

... Respondent /
Complainant

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.2 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 03.01.2022 for the offences punishable under Sections 341, 294(b), 397 and 506(ii) of IPC in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the de facto complainant and robbed Rs.400/- from him at knife point. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that for initiating proceedings under Section 110 Cr.P.C, this case has been falsely instituted against this petitioner. It is his further submission that the petitioner is in judicial custody from 03.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. She would further submit that the petitioner is having 3 previous cases wherein one case is registered for the offence punishable under Section 302 of IPC.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against this petitioner for the offences punishable under Sections 341, 294(b), 397 and 506(ii) of IPC. As of now, the property, which was stolen away and the weapon used for the commission of offence, were all recovered. Though it was alleged that the petitioner is having 3 previous cases, those cases are registered in the year 2018 and 2019 and as of now, for the past 3 years, Final Report has not been filed.

6. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai-600 008;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

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

(e) 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];



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

WEB COPY

-sd/-

22/02/2022

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, EGMORE, CHENNAI-600 008.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
K-2 AYANAVARAM POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.MOHAN RAJ Advocate on payment of necessary charges

CRL OP.2991/2022

Date :22/02/2022

RW 23/02/2022