



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P. No.4445 of 2022

WEB COPY

G.Gokul

... Petitioner / A-3

versus

State rep. by
The Inspector of Police,
T-13, Kundrathur Police Station,
Kancheepuram District.
(Crime No.86 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.86 of 2022 on the file of the respondent police.

For Petitioner : Mr.V.Murugesan

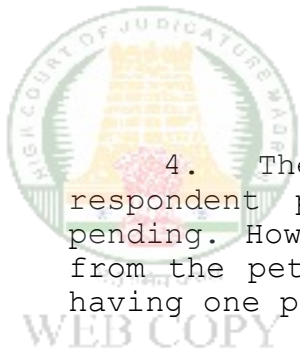
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner/A-3, who was arrested and remanded to judicial custody on 29.01.2022 for the offences punishable under Sections 341, 294(b), 336, 397, 427 and 506(ii) of IPC in Crime No.86 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the de facto complainant and snatched Rs.900/- and one wrist watch from him at knife point and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that after securing the accused, the respondent police recovered the stolen property and as of now, investigation has been completed. It is his specific submission that the petitioner is in judicial custody from 29.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that, the stolen property was recovered from the petitioner. She would further submit that the petitioner is having one previous case.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioner for the offences punishable under Sections 341, 294(b), 336, 397, 427 and 506(ii) of IPC. The averments found in the First Information Report and the submission made by the learned Additional Public Prosecutor appearing for the respondent police would disclose the fact that during the relevant point of time, the petitioner after showing the knife, stolen away Rs.900/- and one wrist watch from the de facto complainant. As of now, after securing the accused, the stolen property was recovered. Therefore, further custody of the petitioner may not be necessary for completing the investigation. Though it was alleged that the petitioner is having one previous case, those case has been registered under Section 75 of TNCP Act.

6. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioners and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. 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 Judicial Magistrate, Sriperumbudur;

(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 10.00 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.

-sd/-

23/02/2022

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE JAILER,
DISTRICT JAIL, CHENGALPATTU

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
T-13, KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.V.MURUGESAN Advocate on payment of necessary charges
Sr.2800

CRL OP.4445/2022

Date :23/02/2022

RVR 24/02/2022