



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4909 of 2022

Stick @ Sriram

... Petitioner / Accused

versus

State: Rep. by
The Inspector of Police,
Madhavaram Milk Colony Police Station,
Chennai - 600 051.
(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 in Crime No.2 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Sasilie

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.01.2022 for the offences punishable under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) of IPC in Crime No.02 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a petty shop and on 02.01.2022, when the defacto complainant was on his way, the petitioner waylaid him, committed robbery of Rs.600/- and Gio Phone from the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing 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 the petitioner is in judicial custody from 02.01.2022 and he is the only breadwinner to his family. Hence, he prays for grant of bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that investigation is pending. He would further submit that the petitioner is having four previous cases and hence, if this type of petitioner is released on bail, he may commit the same offence. Accordingly, he apposed to grant bail to the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered. It is true that the petitioner is having four previous cases. On the other hand, those cases have been registered in the year, 2011, 2013 and 2014. In the said circumstances, it is not necessary to consider the previous antecedents of the petitioner, as he is an habitual offender. Now the petitioner is in the judicial custody from 02.01.2022 onwards. Therefore, further custody of the petitioner may not be necessary for completing the investigation.

6. Hence, 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 petitioner 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, Madhavaram;

(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.

WEB COPY

-sd/-
22/03/2022

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,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MADHAVARAM MILK COLONY POLICE STATION,
CHENNAI 600051

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.JAYASEELAN Advocate on payment of necessary charges SR.NO.4260

CRL OP.4909/2022

Date :22/03/2022

JPA 23/03/2022