



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12272 of 2022

AMOSE @ AMOSE FERNANDERS

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.226/2022)

For Petitioner : M/S.K.KATHIRESAN Advocate

For Respondent : MR.E.RAJ THILAK Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

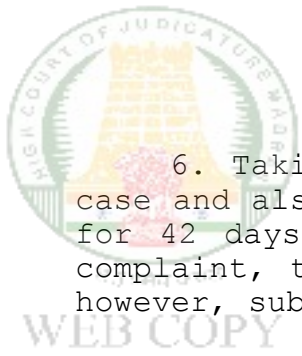
The petitioner in this case, who was arrested and remanded to judicial custody on 11.4.2022 for an alleged offence under Section 397 of the Indian Penal Code, seeks bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the petitioner robbed a sum of Rs.2,000/- at knife point from the defacto complainant.

4. The learned Additional Public Prosecutor vehemently opposes the grant of bail to the petitioner since the petitioner has four previous cases and is an habitual offender.

5. Per contra, the learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he has nothing to do with the offence.



6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner suffered incarceration for 42 days and on going by the nature of allegations made in the complaint, this Court is inclined to enlarge the petitioner on bail, however, subject to conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Villupuram and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the learned Judicial Magistrate No.1, Villupuram at 10.30 a.m and before the respondent Police at 06.30 p.m, daily until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 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/-
23/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VEDAMPATTU, VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.KATHIRESAN Advocate on payment of necessary
charges SR.No.7799

CRL OP.12272/2022

Date :23/05/2022

CSK 24/05/2022