



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.14802 of 2022

Robert @ China Robert

.. Petitioner/A3

Vs.

State
Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai
crime No.378 of 2020

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.175 of 2022 on the file of the XXIII Additional Sessions Judge, Chennai in respect of crime No.378 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 for the offence punishable under Sections 147, 148, 294(b), 332, 324(2 counts), 326(3 counts), 297, 307, 506(ii), 269 r/w 149 of IPC and Section 5(1) of TNPPDL Act in SC.No.175 of 2022 on the file of the XXIII Additional Sessions Judge, Chennai in respect of crime No.378 of 2020 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 20.04.2020 at about 3.15 a.m., the respondent police received information from Murugan Hospital in Kilpauk and went there. On enquiry, the defacto complainant stated that when they were about to bury the doctor Simon



(deceased person) at Velangadu burial ground, at that time the petitioner along with 19 unknown persons prevented the Government officials from burying the dead body in the said place. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that after completing investigation, the respondent police filed final report and the same has been taken cognizance in SC.No.175 of 2022 on the file of the XXIII Additional Sessions Judge, Chennai and the same is pending. He would further submit that the petitioner was arrested and remanded to judicial custody on 02.02.2022. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 22 accused, in which the petitioner is arrayed as A3, who has 13 previous cases. Hence, he vehemently opposed to grant bail to the petitioner.

5. The respondent has filed final report and the same has been taken cognizance in SC.No.175 of 2022 on the file of the XXIII Additional Sessions Judge, Chennai and the same is pending.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned XXIII Additional Sessions Judge, Chennai 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 trial court viz., XXIII Additional Sessions Court, Chennai daily at 10.30 a.m. and 05.30 p.m. until further orders

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

[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 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/-
28/06/2022

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 XXIII ADDITIONAL SESSIONS JUDGE,
CHENNAI

2 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary charges SR.NO.10218

CRL OP.14802/2022

Date :28/06/2022

JPA 28/06/2022