



Crl.OP.No.21652 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21652 of 2022

Rajesh

... Petitioner

Vs.

The State represented by ,
The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
(Crime No.160/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.160 of 2022 pending
before the respondent Police.

For Petitioner : Mr.S.Srinivasu

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Section 397 of IPC, in Crime No.160 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner was working as a menial servant for the past four months in the de-facto complainant's house and stopped coming for work from 18.06.2022. While being so, on 03.08.2022, the petitioner had come to de-facto complainant's house and threatened her at knife point and also by sprinkling chilli powder on her face, had taken away a sum of Rs.15,000/- from her and ran away from the scene of occurrence. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was working as a menial servant in the house of the de-facto complainant and there was a salary dispute between them. Since, the de-facto complainant refused to pay the petitioner's



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salary, there aroused a wordy quarrel between them and due to the same, the de-facto complainant has given a false complaint against the petitioner, due to which the petitioner is in prison from 13.08.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who was working in the de-facto complainant's house, stopped coming for work from 18.06.2022 and on 03.08.2022, he came to the de-facto complainant's house and threatened her at knife point and also by sprinkling chilli powder on her face, had taken away a sum of Rs.15,000/- from her, due to which she sustained simple injuries. He would also submit that the de-facto complainant has been discharged from the hospital and there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, 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.25,000/- (Rupees Twenty Five thousand only)** with **two blood sureties**, for a like sum to the satisfaction of the **learned Metropolitan Magistrate, No.IX, Saidapet, 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 respondent Police every day morning at 10.30 a.m. and evening at 5.30 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



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with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.09.2022

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To

1. The Metropolitan Magistrate No.IX,
Saidapet, Chennai.
2. The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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